

Theological Quodlibeta in the Middle Ages

The Thirteenth Century

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VOLUME 1

Theological Quodlibeta in the Middle Ages

The Thirteenth Century

Edited by

Christopher Schabel



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C.D.S.

Nicosia, January 2006

ABBREVIATIONS

<i>AFH</i>	<i>Archivum Franciscanum Historicum</i>
<i>AFP</i>	<i>Archivum Fratrum Praedicatorum</i>
<i>AHDLMA</i>	<i>Archives d'Histoire Doctrinale et Littéraire du Moyen Age</i>
<i>AL</i>	Aristoteles Latinus
<i>BAV</i>	Biblioteca Apostolica Vaticana
Bazàn <i>et al.</i> ,	<i>Les questions disputées</i> = B.C. Bazàn, G. Fransen, J.W. Wippel, and D. Jacquart, <i>Les questions disputées et les questions quodlibétiques dans les facultés de théologie, de droit et de médecine</i> (Turnhout 1985)
<i>BN</i>	Biblioteca nazionale
<i>BNF</i>	Bibliothèque nationale de France
<i>CUP</i>	H. Denifle and E. Châtelain, eds., <i>Chartularium Universitatis Parisiensis</i> , 4 volumes (Paris 1889–1897)
<i>DSTFM</i>	<i>Documenti e Studi sulla tradizione filosofica medievale</i>
<i>FZPT</i>	<i>Freiburger Zeitschrift für Philosophie und Theologie</i>
Glorieux I	P. Glorieux, <i>La littérature quodlibétique de 1260 à 1320</i> , volume I (Kain 1925)
Glorieux II	P. Glorieux, <i>La littérature quodlibétique de 1260 à 1320</i> , volume II (Paris 1935)
<i>RSPT</i>	<i>Revue des sciences philosophiques et théologiques</i>
<i>RTAM</i>	<i>Recherches de Théologie ancienne et médiévale</i>
<i>RTPM</i>	<i>Recherches de Théologie et Philosophie médiévales</i>
Wippel, “Quodlibetal Questions”	= J.W. Wippel, “Quodlibetal Questions, Chiefly in Theology Faculties,” in Bazàn <i>et al.</i> , <i>Les questions disputées</i> , pp. 153–222

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INTRODUCTION

Beginning around 1230, before the major Easter and Christmas holidays, the University of Paris would suspend classes and hold special theological disputations in which masters of theology presided but where members of a broad audience asked the questions to be debated, questions *de quolibet*, “about anything.” The greatest minds of an era of great minds were forced to respond to queries ranging from “Is God omnipotent?” to “If unbeknownst to her husband a married woman commits adultery and has a daughter, can the woman claim what her husband bequeaths to her daughter?” Over the next century hundreds of these “quodlibetal” sessions were recorded on parchment. The variety of the material and the stature of the authors make the genre uniquely fascinating. This is the first of two volumes dedicated to the theological *quodlibeta* written in the Middle Ages, part of Brill’s unofficial series *Handbook Middle Ages*, devised by Julian Deahl, in which various genres of medieval literature—for example sermons¹—are treated in collective volumes.

With respect to the writings of university theologians in the later Middle Ages, the first of two planned volumes on *Sentences* commentaries was published in 2002.² Written commentaries on the *Sentences* of Peter Lombard, however, were in vogue for a much greater amount of time, survive in much larger numbers, and are usually much more extensive than theological *quodlibeta*. Reading Lombard’s *Sentences* was a requirement of all advanced bachelors of theology at numerous universities for several centuries, and these lecture series usually took place over one or even two academic years, covering all four books of Lombard’s text. By contrast, the written products of theological quodlibetal disputations rose, matured, and then virtually disappeared in about a century, from the 1230s to the 1330s, although the oral exercises continued to take place afterwards.³ Moreover, conducting

¹ *Preacher, Sermon and Audience in the Middle Ages*, C. Muessig, ed. (Leiden 2002).

² *Mediaeval Commentaries on the Sentences of Peter Lombard, Current Research*, volume I, G.R. Evans, ed. (Leiden-Boston-Köln 2002).

³ It should be noted that quodlibetal disputations were also held in arts faculties, and although less numerous than those in theology, written arts *quodlibeta* do

quodlibetal disputations was not required but optional, and primarily not for bachelors but for a much smaller number of regent masters of theology. Quodlibetal debates took place at only two designated times of the year, during Lent and Advent, which usually makes the written reports, where they exist, somewhat brief. Finally, the overwhelming majority derive from disputations at the University of Paris; when after 1270 they spread to Oxford, the Papal Curia, and elsewhere outside Paris, theological *quodlibeta* were virtually exclusive to the mendicant *studia* in those places.⁴

These limitations on the size of the genre allowed me to be more ambitious and comprehensive in the planning of the *quodlibeta* project than was possible for *Sentences* commentaries. In 1925 and 1935 Palémon Glorieux published two volumes in which he described the genre of theological *quodlibeta* and its history and attempted to list all questions for all *quodlibeta* and the manuscripts that contain them.⁵ It is telling that when, in 1947, Friedrich Stegmüller did something similar for *Sentences* commentaries, he had to be content with a list of commentaries with incipits and manuscripts, otherwise his two volumes would have swelled to dozens.⁶ One colleague suggested that I “simply take Glorieux and completely update all the entries, adding new ones where needed, with a general intro on the genre,” stressing that “anything less would not really be worth it, as far as I am concerned.” Projects such as the one my colleague favored are bound to require constant revision for many years to come, however, and are better placed in electronic form on the Internet, as is sometimes true for preliminary editions of texts that survive in many manuscripts and redactions.⁷ Despite the advances in our knowledge of *quodlibeta* over the past 70 years, often by Glorieux himself, we

survive from later periods, down to the sixteenth century, from several universities. For the period after the 1330s, see William Courtenay’s concluding chapter in volume II of this book.

⁴ It is difficult to quantify, but 80% appears to be a sensible estimate for the portion stemming from Paris. The virtual monopoly of the mendicant *studia* outside Paris may not apply to oral disputations of later periods.

⁵ Glorieux I and II.

⁶ F. Stegmüller, *Repertorium commentariorum in Sententias Petri Lombardi*, 2 volumes (Würzburg 1947). Victorin Doucet and others have produced supplements, but this process could go on forever.

⁷ See for example the web pages for texts of Remigio dei Girolami, John of Mirecourt, Peter Auriol, and Peter of Candia.

are still far from being in a position to publish a definitive revision in book form. Thus, to follow the progress of the current effort to update Glorieux on-line for all theological *quodlibeta* from 1230–1350, a project called “Quodlibase” and begun by Alain Boureau and Sylvain Piron, go to: <http://www.quodlibase.org/>, which contains exhaustive information on questions and editions, as well as some bibliography.

Since Boureau and Piron are filling one lacuna, I decided to take a different approach. The present project is conceived as a *supplement* to—and *not* a replacement of—Glorieux’s volumes, and it aims to be the most extensive single work on the genre published over the past 70 years. Since 1935 the most important additions to our knowledge of the genre have come from numerous critical editions, although one should mention Glorieux’s further studies, Teetaert’s review of Glorieux’s two-volume project, and, most notably, a large survey by a contributor to this volume, Father John Wippel, who covered theological *quodlibeta* in a broad book published in 1985 and devoted to disputed and quodlibetal questions in theology, law, and medicine.⁸ So we do know more about the genre *qua* genre. Instead, given the limited size of the genre, what I wanted was a book that would survey the surviving *quodlibeta*, not a book about the genre *per se* that would synthesize the work of Glorieux, Teetaert, Wippel, and others.

Ideally a nearly omniscient scholar would compose a comprehensive survey of theological *quodlibeta* in a uniform fashion. This being impossible, it seemed best to divide up the project and find expert authors. I began by reading Glorieux’s two volumes line by line, question by question, and making a statistical analysis of the surviving works. Having done this, I decided that the book should contain chapters of three different types: chapters on important individuals, those on groups of individuals, and those on themes.

To decide on chapters concerning groups and individuals, it was necessary to determine who wrote *quodlibeta*. Masters of theology can be conveniently divided into the secular clergy and clerics belonging to religious orders and following a rule or *regula*, i.e. the regular clergy of friars, monks, and canons regular. As is the case with

⁸ See Wippel, “Quodlibeta Questions,” pp. 153–6, for a bibliography of important works concerning the genre up until 1985. For some later studies, see Hamesse’s chapter below.

any modern university, the number and identity of professors within a medieval faculty changed over time. At first the masters of theology were secular clerics, but by the advent of the theological *quodlibet* in the early 1230s the Dominicans had managed to occupy two chairs of theology at the University of Paris, while the other main mendicant order, the Franciscans, soon possessed one of its own. In the struggle between secular and regular theologians that resulted—as is manifest in quodlibetal debates—the seculars appear to relate in a letter of 1253 that by that time seven of the twelve chairs then existing in the Parisian Faculty of Theology were occupied by a Franciscan friar, a Cistercian monk, a Premonstratensian canon, a Trinitarian canon, a canon of the Val des Écoliers, and two Dominican friars, with only five for seculars, of which three were reserved for canons of Notre-Dame.⁹ The number of regent masters expanded, however, and by the end of the period covered by this book the Benedictines, Hospitallers, and two more houses of canons regular—Mont-Saint-Éloi and Saint-Victor—had chairs of theology at Paris.¹⁰ Thus the potential number and variety of oral quodlibetal disputations at Paris alone are rather impressive, contrasting sharply with the paucity and uneven distribution of the written records of the debates.

In the second volume of his great work, Glorieux provided a chronological table (pp. 374–7) along with a catalogue of authors (pp. 325–6). Glorieux did list over 30 *quodlibeta* as anonymous, and this present book will show that he missed several *quodlibeta*, mis-attributed others, and did not fully identify some authors. Nevertheless, Glorieux's overview provided me with a useful point of departure. He attributed about 325 *quodlibeta*—a total of almost 6000 questions—to close to 120 named authors. It is significant how these numbers break down: three fourths of the authors are from the regular clergy and they are responsible for two thirds of the *quodlibeta* and more than 70% of the questions. More specifically, the Franciscans

⁹ CUP I, no. 230, pp. 252–8; English trans. in L. Thorndike, *University Records and Life in the Middle Ages* (New York 1971), no. 27, pp. 56–64. The letter relates 1) that those six orders have colleges, 2) that they were about to occupy nine of the twelve chairs, all except the three of the canons of Paris Cathedral, and 3) that if the orders all had two chairs there would be 15 total chairs, including the three for canons of Notre-Dame.

¹⁰ See e.g. W.J. Courtenay, “Parisian Theology, 1362–1377,” in *Philosophie und Theologie des Ausgehenden Mittelalters*, M.J.F.M. Hoenen and P.J.J.M. Bakker, eds. (Leiden 2000), pp. 3–19.

and Dominicans account for roughly half of the authors and *quodlibeta* and more than half of the questions—and an even greater share of the manuscripts.¹¹ Clearly this book would have to reflect these proportions, although I had to take into account the fact that individual secular theologians and members of other orders were at an obvious disadvantage with respect to the prospects for the survival of their writings.

Thus secular theologians who “made it,” so to speak, deserve special attention. Glorieux lists about 30 named secular theologians with approximately 105 *quodlibeta* and a total of slightly over 1700 questions. Yet almost half of these *quodlibeta* and more than half of the questions are attributed to just three authors: Gerard of Abbeville, Henry of Ghent, and Godfrey of Fontaines. Accordingly, it was important to have separate chapters for each of these. Otherwise, for one third of the secular clerics whose *quodlibeta* are extant in some form, we have merely brief summaries in the single notebooks compiled by Nicholas of Bar (1286–1310) and Prosper of Reggio Emilia (early 1310s). Most of the remaining secular *quodlibeta* are also short and come down to us in just one witness. The main exceptions are those of Peter of Auvergne, John of Pouilly, and Thomas of Bailly, who together composed some 17 sizeable *quodlibeta*, almost 300 questions. Peter’s and John’s *quodlibeta*, moreover, are extant in numerous manuscripts. Thus these three required treatment. The only other substantial secular *quodlibeta* are by Nicholas du Pressoir, Kykeley, and Thomas Wylton, but these survive in only one manuscript and fragments. Given Wylton’s importance in the Parisian Faculty of Theology in the 1310s and the complexity of the *status quaestionis*, however, Wylton deserved a chapter of his own.

For the regular clergy, the statistics also provided a clear picture of how things could be divided. Several of the orders of monks and canons regular that occupied chairs of theology at Paris have *quodlibeta*

¹¹ It is true that mendicants, especially Franciscans, were often limited in the length of their regencies, two years mostly, whereas this was not the case for seculars, as is clear from the examples of Gerard of Abbeville, Henry of Ghent, and Godfrey of Fontaines mentioned just below. This could be taken as an explanation for the high number of mendicant authors of *quodlibeta* compared to seculars. This does not account for the high number of actual *quodlibeta* and questions, however, and Franciscans and Dominicans had the option of holding *quodlibeta* at their *studia* outside Paris, as this book shows.

surviving in one form or another: Cistercian and Benedictine monks and canons regular of the Val des Écoliers, Mont-Saint-Éloi, and Saint-Victor. In Glorieux's volumes these number only eleven masters in total, however, producing 18 *quodlibeta* covering just over 200 questions. Moreover, most of these are only extant in the summaries of Nicholas of Bar or Prosper of Reggio. The others also survive in only one main witness, the most important being the extracts of 85 questions of Servais of Mont-Saint-Éloi (which Glorieux later correctly divided into eight *quodlibeta*, giving the monks and canons regular 25 in total)¹² and the two *quodlibeta* of the Cistercian James of Thérines (critically edited by Glorieux himself). One chapter on monks and canons regular would therefore be sufficient.

The same can be said for the Carmelites and the Augustinian Hermits: Glorieux reported six Carmelite authors responsible for 18 *quodlibeta* and 280 questions, while he listed eleven Augustinian masters who composed around 20 *quodlibeta* in 350 questions. In comparison with the monks and canons regular, however, several Carmelites and Augustinians left very substantial *quodlibeta*, sometimes surviving in multiple codices. One master in particular stands out: Giles of Rome. Giles produced seven *quodlibeta*—over 160 questions—and his six Parisian *quodlibeta* are preserved in dozens of manuscripts. Given his status as the teaching doctor of the Augustinian Order, Giles would require a chapter of his own.

Dealing with Franciscan and Dominican *quodlibeta* was the most difficult task. Some chapters were clear: Thomas Aquinas' importance inside and outside the Dominican Order, his role in popularizing the genre, and his twelve *quodlibeta* themselves—roughly 250 questions, contained in a plethora of manuscripts—obviously demanded separate treatment. Beyond that, one had to consider the status of the author, the number of *quodlibeta*, the size of these *quodlibeta*, the quantity of manuscripts preserving them, and even the state of research. Ultimately the availability of suitable scholars would be the determining factor, and ten chapters have been devoted to the *quodlibeta* of the two main mendicant orders, since they were responsible for more than half of what survives from the genre.

¹² P. Glorieux, "Les Quodlibets de Gervais du Mont-Saint-Eloi," *RTAM* 20 (1953), pp. 129–34. Glorieux wrongly calls him Gervais; his Latin name is *Servatius*.

As important as chapters on individuals and groups are, the particular attraction of *quodlibeta*—indeed their very nature—is that they are about anything at all.¹³ Thus, although theological *quodlibeta* stem from disputations among theologians, the subject matter often strayed far from theology strictly speaking. The third set of chapters is therefore thematic, not with respect to the issues one might find treated in any theological work, such as a *Sentences* commentary, *Summa theologiae*, or *Quaestiones disputatae*, but as regards what one does *not* expect in a theological genre. One anticipates questions about the nature of theology, metaphysics, the triune God, the divine attributes, creation, human nature, ethics, the incarnation, the sacraments, and even canon law, but *quodlibeta* provide glimpses into how masters of theology faced social, political, and economic issues. Those subjects required special attention, as did the use of theological *quodlibeta* for natural philosophy. I should note that, as the reader might guess, one encounters almost anything in *quodlibeta*, and just about any student of the Middle Ages would benefit from an examination of these texts. For example, for gender studies, there are numerous questions on sex, rape, gender roles in society, and even whether disembodied souls are recognizable as female and male before the Resurrection. There are also questions on burial practices, wills, crusading vows, Jews, and of course everything involving clerics. Nevertheless, since one cannot cover everything in one book, I have decided to focus on the “normal” subjects of historians of medieval thought.

Not all of my goals have been met. Unfortunately, Adriaan Pattin, the leading expert on Gerard of Abbeville, could not supply an original contribution.¹⁴ Nevertheless, although Gerard conducted some 20 *quodlibeta*, more than anyone else, they survive in only two main manuscripts, the questions are usually rather brief, and Gerard features in some of the thematic chapters in any case, most notably in Elsa Marmursztejn’s. In other instances where the preferred authors were not available, I have tried to fill in the gaps myself with the

¹³ It is probable that many questions were not unexpected, however, and that a master’s students sometimes came ready with questions the master particularly wanted to answer.

¹⁴ He kindly offered one of his previous publications for translation, but I opted to seek only original material. On Gerard’s thought in his *Quodlibeta*, see especially A. Pattin, *L’anthropologie de Gérard d’Abbeville* (Leuven 1993), which includes a critical edition of 24 of Gerard’s *quodlibetal* questions.

help of the kind assistance of William Courtenay and Russell Friedman who, in addition to their own pieces, agreed to co-author chapters with me. In 2000 there did not appear to be anyone capable of covering the Carmelites, so I assumed this task, although six years later we now have Carmelite specialists.

If otherwise the book appears uneven in some ways, I accept the responsibility. Each contributor was chosen for her individual expertise, of course, but I opted to give each author the freedom to cover her subject as seemed best. To a large degree this depended on the maturity of the scholarship on the topic. In some instances we may know next to nothing, especially in the fourteenth century, in which case a lot of groundwork was called for, a mapping out of the topic, perhaps in the form of a list or manuscript study. In others complete critical editions have been available for a long time, and so only still-unresolved questions of dating or nature were treated.

In addition, an effort has been made to include scholars from a wide variety of linguistic and professional backgrounds, so that the two dozen contributors hail from or teach in a dozen countries and are active in the fields of history, church history, philosophy, and theology. Most are not here writing in their native languages—for this volume, only the chapters by Hamesse, Marmursztejn, and Solère were translated, from the French, by William Duba and myself—so that often many years of study and publication in other languages have been brought to bear to create for the first time synthetic works in English. Whatever the language, I am extremely pleased that all chapters have turned out well, and that more often than not the contributor went above and beyond expectations to produce a work of reference for many years to come.

The division of the two volumes is roughly chronological. Although the mean would fall around 1285, the median is about a decade later. And if the 1280s were the heyday of theological *quodlibeta*, the 1310s were statistically not far behind. Thus, aside from some unavoidable overlap in the thematic and survey chapters, the first volume corresponds very roughly to the thirteenth century—opening with an introductory chapter by Jacqueline Hamesse—while the second volume concentrates on the fourteenth century—concluding with a short piece on the demise of the genre, by William Courtenay. In the first volume, Thomas Aquinas, William de la Mare, Henry of Ghent, Giles of Rome, and Godfrey of Fontaines each receive separate chapters as explained below, while in the second volume Ludwig

Hödl discusses John of Pouilly, Timothy Noone treats John Duns Scotus, Wouter Goris covers Richard Conington, Cecilia Trifogli has Thomas Wylton, Lauge Nielsen writes on Peter Auriol, and Russell Friedman and myself deal with Peter of Auvergne and Thomas of Bailly together.

While the first volume has two chapters on groups of Franciscans, as describe below, the second volume devotes more chapters to religious orders, because except for the Dominicans and Franciscans, *quodlibeta* from monks, canons regular, and mendicants are almost entirely from the fourteenth century. I cover the Carmelites, in a separate chapter William Courtenay and I treat the Augustinian Hermits after Giles of Rome, Thomas Sullivan details the *quodlibeta* of the monastic orders, Russell Friedman surveys the Dominicans after Thomas Aquinas, and William Duba and Rondo Keele deal with mainly Franciscan *quodlibeta* in the 1320s and 1330s at Paris and Oxford respectively. In most cases this is the first time that these *quodlibeta* have been treated in this way.

Volume one contains four thematic chapters: on the normative power of the masters as developed in *quodlibeta*, on politics, on economics, and, concluding the volume, on how some of these questions asked about anything, *prima facie*, seem ridiculous but actually conceal deep meanings. Volume two includes chapters on how theological *quodlibeta* touch on other topics that are not precisely theological: the principal of individuation, by Martin Pickavé, and natural philosophy, by Richard Cross. Given the fact that theological *quodlibeta* have not usually been mined for the history of science, Cross's chapter takes the form of a catalogue and precedes a bibliography of published theological *quodlibeta* that rounds out the second volume.

Jacqueline Hamesse, an experienced analyst of the genres of medieval philosophical literature, opens this first volume with an introduction to the literary genre of theological *quodlibeta*. She first treats their origins in disputed questions and argues convincingly for the crucial role of the mendicant *studia*—notably the Parisian Dominican and Franciscan *studia* with Guerric of Saint-Quentin and Alexander of Hales respectively. For this Hamesse makes good use of recent studies and takes advantage of the new critical edition of Guerric's *Quodlibeta*, the most important early representative of quodlibetal literature. She then discusses their distinct characteristics, which are linked to the unique questioning system, the division into two sessions, and the master's task of reworking the material for both the oral and the written

determination. The complex process has left texts reflecting every stage, from brief summaries of the bachelors' arguments in the first session to polished magisterial *ordinationes* covering and expanding on the entire disputation. She concludes with the genre's evolution, attempting to answer the enigmatic question of the abrupt demise of the genre in the 1320s and 1330s, an issue that has provoked much speculation. Possible reasons include the increasing number of questions, their overly technical nature, the loss of the magisterial determinations' earlier spontaneity, the growing participation of bachelors, the superficially stupid nature of certain questions (which continued to provoke the anger of ecclesiastical authorities), reduced periods of regencies, and the preference for *Sentences* commentaries.

For the thirteenth century at Paris, as Elsa Marmursztejn remarks in her chapter, "four great theologians stand out for the scale of their quodlibetal production and for the importance of this production in their *oeuvre*. Gerard of Abbeville, Thomas Aquinas, Henry of Ghent, and Godfrey of Fontaines." The last three receive here individual attention from acknowledged experts. Kevin White, a Thomas specialist, writes on the Dominican Thomas Aquinas' *Quodlibeta*. White contributes to our understanding of how they constitute a significant whole within the greater whole of Aquinas' *Opera Omnia*, by highlighting some of their formal features and representative themes. Beginning with a general overview of the arrangements of Aquinas' *Quodlibeta* and an examination of a backward reference in the first *Quodlibet*, White then considers three interrelated topics: the theme of *status*, questions on teachers and students, and the use of and reflection on authoritative sources. To conclude White offers some remarks on Aquinas' last *Quodlibet* and his *Quodlibeta* in Thomistic scholarship. As a bonus, an Appendix describes a manuscript of the *Quodlibeta* that was not taken into account in the Leonine edition of the text. The manuscript, an image from which graces the cover of this volume, is presently at The Catholic University of America.

Following White's chapter on Aquinas there are two chapters on Franciscan *quodlibeta* composed in the following years, often against the Dominican doctor's teachings. In the first, Girard Etzkorn presents a doctrinal survey of *quodlibeta* that he himself co-edited, by John Pecham (1270–77) and one of his students, Roger Marston (1282–84), while making a few remarks about the still unedited *quodlibeta* of another of Pecham's students, Matthew of Aquasparta (ca. 1277–85). Pecham's four *quodlibeta* are significant for various reasons,

in general for the early Franciscan opposition to Aquinas, the first and fourth for the defense of the mendicants against the seculars, the second for the fact that it survives in 45 witnesses—rather than one, as the others do—due to its accidental inclusion among the works of Aquinas, and the last two for their stemming from disputations taking place outside Paris, the third probably in Oxford and the last at the Papal Curia in Rome. Aquasparta debated the last five of his six *quodlibeta* at the Curia as well in 1279–85, the first being from Paris, while all four of Marston's *quodlibeta* were debated at Oxford.

Pecham, Aquasparta, and Marston made significant contributions to the developing Franciscan theological tradition inherited from Bonaventure. The same can be said for their confrère William de la Mare. Hans Kraml, the leading expert on William, argues that eleven questions disputed in Paris in 1274–75 constitute a *Quodlibet*. William is most famous for his *Correctorium* of Thomas Aquinas' doctrines, and accordingly in his *Quodlibet* William deals with problems typical of the Franciscan approach to philosophical and theological questions. Although, like William himself, this *Quodlibet* does not represent a milestone in the history of thought, Kraml rightly remarks how “the study of figures like William is of value as it sheds light on the general teaching of philosophy and theology within a certain period,” and his *Quodlibet* serves “as a light illuminating a certain moment of ordinary, average teaching at Paris” after Aquinas on the eve of the condemnations of 1277. Kraml illustrates how William “shows the steps of transformation of thought” in this era on several issues, notably on the path from Bonaventure's theory of the relation between the divine essence and attributes to Scotus' formal distinction, and on the trail leading to the radical stress on contingency characteristic of much of fourteenth-century thought.

Pasquale Porro brings a comprehensive doctrinal and bibliographical knowledge of Henry of Ghent to his chapter. Rather than concentrate on specific doctrinal aspects, however, Porro has chosen to investigate how the particular features of the quodlibetal disputation are expressed in Henry's collection. After reviewing some basic facts concerning the chronology and circulation of the great secular master's *Quodlibeta*, he examines the different formulae Henry uses in reference to the nature and place of the disputations and how Henry organized the various sections into which quodlibetal disputations had been traditionally divided (initial arguments *pro* and *contra*, the role of the *opponens*, the *solutio*, and the reply to the arguments). Porro

briefly considers all the elements that make the *Quodlibeta* an exceptional source for reconstructing Henry of Ghent's intellectual biography and his historical context: the presence of cautionary formulae and personal reminiscences, and references to *auctoritates*, contemporary masters, the condemnation of certain doctrines (especially in 1277), historical or contemporary events, and indeed even works by the author himself. This is followed by a statistical analysis of the topics dealt with in the various questions and the criteria Henry uses to divide his material. The aim of Porro's approach is to demonstrate that, contrary to the traditionally impersonal aspect of works by scholastic theologians, the genre of quodlibetal disputations allowed Henry to deal in the first person singular with the hottest topics of his day, from the purely doctrinal to those provoked by contemporary events. In an Appendix Porro offers a schematic division of Henry's *Quodlibeta*.

Giorgio Pini, long a member of the Giles of Rome editing team based in Pisa, covers the Augustinian master's popular but not yet critically edited *Quodlibeta*. Opting for a detailed analysis of their content, Pini offers the first comprehensive survey of Giles' six university *Quodlibeta* (disputed in Paris, 1285–93) and his extant non-university *Quodlibet* (disputed in Padua in 1281). Pini's close reading allows him to hypothesize how audience members raised questions intended to force Giles to clarify or build on what he had said in recent ordinary disputed questions. Since Giles' *Quodlibeta* span a crucial period in his career, however, Pini adopts a chronological approach to show how Giles' *Quodlibeta* reflect the rise in his confidence as a thinker after the initial impact of the condemnations of 1277, his growing authority at the University of Paris, and finally the increase in his responsibility as the official teaching doctor of the Augustinian Hermits, a position he obtained with many years of activity still before him. In the later *Quodlibeta*, Pini remarks, "it is tempting to think that Giles, now the official intellectual guide of his order, has lost some interest in assembling daring metaphysical constructs." Instead, Giles' attitude became more conciliatory toward previous opponents and detached from the polemics of the day, although he did adopt elements of Augustine's more pessimistic anthropology.

Father John F. Wippel covers the secular cleric Godfrey of Fontaines, a theologian to whom Wippel's name will always be attached. Since the critical edition of Godfrey's *Quodlibeta*, some of the most important of the genre, has been available for some time, Father Wippel

focuses on an outstanding issue, a difficulty going back to the Middle Ages: whether the text published as Godfrey's *Quodlibet* XIV was really a quodlibetal question or some other kind of disputed question. While the oldest manuscripts call it a *quodlibet*, in a fourteenth-century manuscript Bertram of Alen refers to it as the *longa quaestio* and as the *quaestio disputata* which comes after *Quodlibet* IX (meaning after *Quodlibet* XIII). Moreover, it lacks the kind of organizing plan usually found in Godfrey's other *quodlibeta* or in *quodlibeta* in general. Wippel considers but rejects the suggestion by some twentieth-century scholars that it might be an early version of the *Sorbonica* and then attempts to uncover its organizing plan by tracing it throughout the text. He shows how its many subquestions and/or subissues were connected by Godfrey in some often tenuous ways with two main questions raised at the beginning concerning legal justice. Wippel concludes that it is more probable but not certain that it was indeed a *quodlibet*. An Appendix deals with the dating of Godfrey's *Quodlibet* XV.

Following the chapters devoted to several great masters, Elsa Marmursztejn's chapter describes how, mainly with Thomas Aquinas, Gerard of Abbeville, Henry of Ghent, and Godfrey of Fontaines, the theological *quodlibet* became an essential forum "for the construction of the authority status of the Parisian masters of theology at the end of the thirteenth century." In the historical framework largely shaped by the conflict between mendicants and seculars and the condemnations of 1277, *quodlibeta* successively appear as a "mirror of the doctors," reflecting the features of an intellectual and spiritual ideal, and as a witness to the normative ambition of the theologians, who meant to control the norms established by the popes and the lay princes. Marmursztejn shows how "the masters asserted this authority as a form of normative power or at least as a capacity to influence or to arbitrate, at a time when normativity was becoming the principal qualification of power." The theologians' "normative interventions" were so broad that, had they succeeded in convincing the rest of society of their role, one could imagine that fourteenth-century Europe would have become something of the theocracy of medieval Islam. At the same time, the masters also had to defend "the value, the utility, and the efficacy of study and teaching" and to assert their superiority over those exercising pastoral offices, which the masters themselves could abandon. Besides deliberating on their position within the Church, it is in their normative role that the masters speculated on politics and economics, often in contexts outside the

university, as the following chapters relate. In these cases, however, as Henry of Ghent maintained, “the masters had the responsibility to manifest the truth, but first they had to evaluate how necessary, appropriate, or urgent it was to do so, and to adapt their teaching to the intellectual capacity of their listeners.”

In the next chapter, Sylvain Piron employs his extensive knowledge of the quodlibetal genre and of Franciscan history and thought in the later thirteenth century to demonstrate that genuine quodlibetal sessions were organized in mendicant *studia*, the practice spreading from Paris to Oxford and the Papal Curia in the 1270s, and to other *studia generalia* probably as soon as the 1280s. While the Dominican evidence is rather scarce (and later than 1310, it seems), information on the Franciscans is abundant. In the 1290s, three Franciscans without any university degree were extensively engaged in quodlibetal disputations: Peter John Olivi, Peter of Trabibus, and Vital du Four. Piron compares these *quodlibeta* to those held by Franciscan masters at Paris: the extremely popular *quodlibeta* of Richard of Menneville (or Middleton), the nine series that belong either to Raymond Rigaud or Jacques du Quesnoy, and those of the anonymous Franciscan in Nicholas of Bar’s collection. Finally, Piron attempts to determine what if anything is particular to the provincial *quodlibeta*, focusing on the example of Olivi’s *quodlibeta* from Narbonne, in which some questions directly touch upon local politics. In this case, local theology acts as the moral conscience of the city, although this is rather exceptional, due to the presence of a giant thinker in a mid-sized town. Another point Piron makes is that these sessions were clearly open to the public, mostly clergymen, but probably some lay people came as well, including none other than Dante, who attended Peter of Trabibus’ sessions.

The volume ends with three thematic chapters. In the first two, leading experts on medieval political and economic thought cover their respective topics in theological *quodlibeta*, where one might not expect to find these subjects analyzed in depth. Despite the translation of Aristotle’s *Politica* into Latin (around 1265), politics never became a mandatory discipline in the medieval university curriculum. Nevertheless, political issues were discussed in most faculties, and Roberto Lambertini demonstrates that the *quodlibeta* of theologians, the leading teachers of Western Christianity, are one of the most significant sources for political ideas in the late thirteenth and early fourteenth century. Naturally, the interplay between theology and

political thought is most evident in ecclesiology—because debates concerning the role of the papacy in the Church unavoidably touch upon the ideal structure of political institutions—but we also find quodlibetal questions concerning “classical” themes in political philosophy. Given the extensive yet dispersed nature of the source material and its insufficient utilization in the scholarly literature on medieval political theory, Lambertini approaches his subject by way of examples in order to offer a preliminary “mapping of sources.” He discusses in turn the unity of prudence, the nature of secular and ecclesiastical property, papal power, Church structure, the optimal type of government, and the origins of power. Since many of the pertinent questions were inspired by current events or the mendicant-secular conflict, they make fascinating reading and deserve more attention in the future.

The topic of Giovanni Ceccarelli’s chapter parallel’s Lambertini’s in many ways, except that *quodlibeta* are already recognized as significant sources for our understanding of economic thought in the Middle Ages. The analysis of quodlibetal disputations not only provides a complete picture of the major theories adopted by scholastic thinkers—subjective conception of value, sterility of money, extrinsic titles to interest, etc.—but also offers a unique opportunity to study how the theoretical framework relates to the cultural, social, and economic context of late-medieval cities like Florence, Paris, Montpellier, or Naples. Moreover, it reveals close links between standard doctrinal topics—e.g. usury, just price, and life rent contracts—and discussions regarding issues that scholars tend to consider of minor interest, but which were crucial for the economic activity of the Church, such as simony, almsgiving and restitution, administration of ecclesiastical goods, and evangelical poverty. *Quodlibeta* thus suggest a partial revision of the mainstream interpretation of medieval economic thought; rather than searching for the origins of modern economic principles in the Middle Ages or focusing on the impact of Aristotle on scholastic thinking, scholars should direct their attention to the influence exerted upon the doctrinal framework by contingent and local economic issues and by concepts rooted in the well-established and age-old Christian (administrative, normative, and theological) tradition.

Jean-Luc Solère’s chapter rounds out the volume, returning in a way to a theme that Hamesse discusses in her opening chapter: the apparently frivolous and even irresponsible nature of some quodlibetal questions. No less than contemporary readers, circles outside the

medieval university—in the ecclesiastical hierarchy, for example—were sometimes angered by quodlibetal questions that, on the surface, were silly or stupid, but as is often the case they did not always investigate or understand the real philosophical, theological, and historical significance that lay behind these questions. Thus when the audience asked questions such as whether a child born with two heads must be baptized twice, or whether a widow would still have obligations toward her husband if he were resurrected in the present world, Solère shows that, behind these seemingly idle interrogations, issues as fundamental as the basis of individuality, the conditions of metaphysical identity through generation and corruption, and the roles of form and matter regarding the unity of the substance were at stake. Rather than “vain curiosity,” these were limit cases where a master’s adversaries aimed at taking his “theories all the way to their roots by exposing them to extreme situations,” to trip him up with “elaborate snares,” pushing him into a paradox. To illustrate this point, Solère focuses on three questions addressed to Thomas Aquinas concerning Christ during the three days between his Crucifixion and Resurrection. In the context of the heated controversy over the unicity of the substantial form, a question like “was Christ’s eye after death equivocally an eye?” makes sense and appears to be a part of an overall strategy directed against Aquinas.

THEOLOGICAL *QUAESTIONES QUODLIBETALES*

Jacqueline Hamesse*

Le désordre du *quodlibet* provient de l'extrême et plus aigüe évolution de la *disputatio*, dans une ultime libération des dernières attaches scolaires du labeur scientifique: libre allure totale de la recherche en pleine émulation, et non premières échappées d'une spéculation encore simplette.¹

Quaestiones quodlibetales have yet to reveal many of their secrets. The present book is dedicated to this genre and provides researchers with a host of new information on the doctrinal history of the thirteenth and fourteenth centuries, for *quodlibeta* are a prime source for our understanding of the history of medieval theology and philosophy.

As is well known, *quaestiones quodlibetales* appeared among the written texts of the University of Paris during the first half of the thirteenth century. At first exclusively theological, these particular questions are often considered the climax of the scholastic method: *quaestiones quodlibetales* arose from the practice of holding debates that were organized both at the university and in the *studia* of the mendicant orders, and, in a way, they are the culmination of the evolution from *disputatio* to *quaestiones disputatae*. With *quodlibeta*, we are confronted with scholastic thought at its full state of maturity. The exercise was likewise practiced in other faculties and, after the golden age of Paris had passed, would continue to function in the newly founded universities, but without

* This exposition is heavily indebted to the skill and acuity of Fathers L.-J. Bataillon and A. Ciceri, to B. Faes de Mottoni, as well as to Fathers A. Oliva and M. Wierzbicki. I would also like to thank all the editors of Quaracchi at Grottaferrata for having supported my research, and in particular Father Bogdan Fajdek, who provided me with access to the riches of their library. The conversations I was able to have with the members of the group during my stay helped me better understand some aspects of *quodlibeta* and allowed me to taste with them the "*dulcedo societatis*."

¹ G. Paré, A. Brunet, and P. Tremblay, *La Renaissance du XII^e siècle. Les écoles et l'enseignement* (Publications de l'Institut d'Etudes Médiévales d'Ottawa, 3) (Paris-Ottawa 1933), p. 131.

doubt it was the most developed and gave rise to the richest production of texts in the Paris Faculty of Theology, the main focus of the present volumes.

Not surprisingly, much ink has already been spilt on the written products of these exhilarating disputations, although scholars have expressed differing opinions on the subject. Until the 1925 publication of Mgr. Glorieux's opus on the genre, of course, the scholastic exercise of the quodlibetal disputation was very poorly understood.² Even if it was not completely free of error, Glorieux's pioneering work did a great service to the field and attracted the attention of scholars to a genre that was still little utilized. In addition, the criticism his book provoked drove the author to reexamine the issue several years later. He published a second volume, clarifying certain points in a new introduction, and expanding the catalogue of *quodlibeta* that he had previously presented.³

Some individual studies then appeared, but one had to wait another half-century to see new publications on the general subject and to arrive at a more complete and precise understanding of the genre, notably with the volume dedicated to disputed and quodlibetal questions in the series *La typologie des sources du moyen âge occidental*.⁴ Nevertheless, until now the accessible quodlibetal texts have essentially been those of the most famous authors of the era. Editors have published these writings to better understand the opinions of particular authors concerning controversial issues, without bothering to examine the debates conducted by lesser-known masters, either for their own sake or for the broader context. The names of many such "minor" masters appear in the lists of *quodlibeta* assembled by Mgr. Glorieux, however, and it is a testimony to the attraction of the quodlibetal genre that often these masters have otherwise left scarcely a trace in the doctrinal history of the time.⁵ Perhaps some of them took a chance leading sessions without a well-established reputation, and certainly not all of these disputations would have met with the

² Glorieux I.

³ Glorieux II.

⁴ Bazàn et al., *Les questions disputées*.

⁵ This observation comes from Father Bataillon, who cites as examples the names of Ranulph of Houblonnière (†1288), John Lesage († after 1311) or Simon of Guiberville (†1320). I am very grateful to him for having drawn my attention to this.

same success, nor left their mark on the theological debates of the day. But we need much more evidence than what we presently have at our disposal if we are to judge the impact of these *quodlibeta* objectively. The list of *quodlibeta* already published does display the diversity of the subjects treated and the great number of theologians who devoted themselves to the exercise, but many sessions are still unpublished and often those preserved in manuscripts are completely anonymous, which explains the paucity of interest they held for scholars until the beginning of the twentieth century. There remain, therefore, gray areas that require exploration before we can draw general conclusions about this literary genre.

This present project allows us to delve into questions that have remained unresolved and will encourage scholars—at least we hope—to shed light on new questions by publishing critical editions of still inaccessible works, thus adding to our evidence. This introductory chapter on the genre takes into consideration the many studies and editions of texts that have appeared since the publication of Father Glorieux's works, and indeed since the 1985 publication of the pertinent volume in the *typologie* series. In the pages that follow, three points are discussed: the origins of quodlibetal disputations, the characteristics of written *quaestiones quodlibetales*, and the evolution and demise of the genre.

Origins

Any examination of a subject with technical terminology should begin with a lexicographic analysis. In the present case, the investigation must be limited because many dictionaries of Medieval Latin have not yet arrived at the letter Q.⁶ There are mentions in the *Lexicon latinitatis mediū aevi* of Albert Blaise, who under the entry *quodlibetarius* alludes to *quaestiones quodlibetariae* “qui ont des sujets dont l'opinion est facultative.” And *quodlibetum* is defined as “ce qu'on peut

⁶ Among those that have been published in their entirety, the Dutch dictionary has an article under the entry *quodlibet*, but it gives rather late attestations, from the 14th and 15th centuries, as one would expect, and provides nothing new lexicographically. Cf. *Lexicon latinitatis neerlandicae mediū aevi*, eds. O. Weijers and M. Gumbert-Hepp, vol. VII, Q-R-STU (Leiden 2002), p. 4118, Q 136.

soutenir dans un sens ou dans un autre.”⁷ But the dictionary also has a cross-reference to the entry *quaestio*. And here the technical side of these questions truly appears: “*quaestiones quodlibetales* (faites une ou deux fois par an sur des sujets quelconques).”⁸

To gain access to more relevant information, various studies concerning the technical vocabulary of medieval intellectual life are currently available. In fact, these studies have been flourishing for more than twenty years, above all thanks to the labors of Olga Weijers, who has published many works on the subject.⁹ We also owe to her the establishment of an international enterprise, CIVICIMA, intended to advance our knowledge in this area.¹⁰ Therefore, we now possess trustworthy tools that allow us to broach the study of technical vocabulary and to perceive senses and uses immediately. The researcher can find indispensable terminological details there as well as the state of the question.

The evolution of the scholastic method reveals how an exercise in theological and philosophical thought took off. It congealed in the eleventh century with the introduction of the *quaestio* tied directly to material explored in class. When the *quaestio* became a technique in itself, this exercise was increasingly separated from the *lectio*. From the end of the twelfth century, the *disputatio* as an autonomous science made its entry into the schools of theology. *Quaestiones disputatae* as exercises independent from the *lectio* can be considered the concrete manifestation of one of the three duties that made up the obligations of the professor, namely *lectio*, *disputatio*, and *praedicatio*.¹¹ This method

⁷ A. Blaise, *Lexicon latinitatis mediæ ævi* (Corpus Christianorum Continuatio Mediaevalis) (Turnhout 1975), p. 763b.

⁸ Blaise, *Lexicon latinitatis mediæ ævi*, p. 758b.

⁹ O. Weijers, *Terminologie des universités au XIII^e siècle* (Lessico Intellettuale Europeo, 39) (Rome 1987); *La “disputatio” à la Faculté des Arts de Paris (1200–1350 environ). Esquisse d’une typologie* (Studia Artistarum, 2) (Turnhout 1995); *Le maniement du savoir: Pratiques intellectuelles à l’époque des premières universités (XIII^e–XIV^e siècles)* (Studia Artistarum, Subsidia, 1) (Turnhout 1996); *La “disputatio” dans les Facultés des arts au moyen âge* (Studia Artistarum, 10) (Turnhout 2002).

¹⁰ Volume 10 of the collection presents a synthesis of the preceding works and a list of the technical terms accompanied by their meaning(s), based on the studies published in the earlier volumes: cf. M. Teeuwen, *The Vocabulary of Intellectual Life in the Middle Ages* (CIVICIMA. Etudes sur le vocabulaire intellectuel du Moyen Age, 10) (Turnhout 2003).

¹¹ Peter the Chanter, *Summa quae dicitur Verbum abbreviatum (textus conflatus)*, pars 1, c. 1, l. 4, ed. M. Boutry (Corpus Christianorum Continuatio Mediaevalis, 196) (Turnhout 2004).

found its origins in the *quaestiones* and *responsiones* that had been around since the patristic period with respect to Holy Scripture.¹² From the twelfth century, this technique was adopted in the schools to explain matters examined in class.¹³ But *quaestiones* quickly diverged from the *lectio* and debate sessions (*disputationes*) marked a decisive turn in the doctrinal history of the era. One was no longer limited to a literal exposition of the text. To improve his students' comprehension, the master organized obligatory debate sessions that allowed each student to come to the aid of *auctoritates* and to employ all the resources for argumentation that had been acquired during the course. The students passed from theory to practice in responding to the questions posed by the professor concerning the course material. After the debate sessions and the exercises called "disputed questions," the master would make his own contribution, by giving a personal and original judgment on the subjects that he himself had put on the agenda: this was the *determinatio*, which constituted the conclusion expressing his point of view with respect to these questions.

The literary genre of the disputation also gave birth to expositions and syntheses that were at once theological and philosophical. Let us not forget that theologians, before specializing in theology, had to pass through the Faculty of Arts to receive basic training on various matters. In particular, they received their introduction there to the various branches of philosophy, their apprenticeship to reasoning, their initiation in argumentation, as well as the handling of authorities. Loaded with this baggage, they arrived at the Faculty of Theology to undertake their studies. Marked by this initial training, they very quickly had the opportunity to deepen their acquaintance during the instruction that they received and the exercises that they had to perform there.

Numerous theologians reacted against Aristotelianism, however, and against the new methods employed to treat theological questions. Their criticism and opposition was extensive from the end of the twelfth century, but in the second half of the thirteenth century we are far from the first quarrels and the spirited reactions that took

¹² Cf. G. Bardy, "La littérature patristique des *Quaestiones et responsiones* sur l'Écriture sainte," *Revue biblique* 41 (1932), pp. 210–36, 341–69, 515–37, and 42 (1933), pp. 14–30, 211–29, 328–52.

¹³ Cf. Paré, Brunet, and Tremblay, *La Renaissance du XII^e siècle*, p. 125.

place at the beginning of the century against philosophy and in particular against Aristotelianism. If resistance still cropped up, the context in which it arose had changed. The majority of writings coming from theologians made room for philosophical arguments and also treated speculative problems. The role of Aristotelianism in the apprenticeship of reason was no longer disputed. Nevertheless, ecclesiastical authority still intervened at certain moments concerning theses that were suspect or judged to be heretical. But the very method at the foundation of intellectuals' reasoning and argumentation was no longer questioned and one therefore finds academics using notions and procedures proper to Aristotelian philosophy in theological questions. Indeed, in a certain way, the technique employed to conduct quodlibetal disputations derives from a method that Aristotle himself presents in *Topics* I:18.¹⁴ Even if it is not explicitly stated in any medieval text related to these exercises, since all academics were versed in Aristotelian logic, quodlibetal disputations may have been inspired from this Aristotelian passage.

Statistics show that the Dominicans and Franciscans dominated the quodlibetal genre in theology, being responsible for over half of the literary production. The role played by the mendicant orders in the origins and evolution of *quodlibeta* has not been sufficiently illuminated, however, largely due to the lack of detailed studies on their statutes. An attentive examination of all these normative texts would produce plenty of information that has not yet been sufficiently exploited. A consultation of the statutes and the decisions rendered during various General Chapter meetings shows that they attributed great importance to the disputed question sessions that were organized within the *studia*.¹⁵ But we know that there is often a certain

¹⁴ *AL* 5.1–3. *Topica*, translatio Boethii, I, c. 18, ed. L. Minio-Paluello (Leiden 1969), pp. 28.21–29.4: “Similis autem speculatio utilis est ad inductivas ratiocinationes et ad syllogismos ex hypothesi et ad assignationem diffinitionum. Ad inductivas quidem ratiocinationes, eo quod circa singula in similibus inductione universale aggredimur inducere; non enim facile est inducere ignorantibus similia. Ad syllogismos autem ex hypothesi eo quod probabile est, quemadmodum in uno similitum se habet, sic et in reliquis. Quare ad quodlibet eorum poterimus disputare, profitebimur, quemadmodum in his se habet, sic et in proposito habere.”

¹⁵ *Humberti de Romanis opera De vita regulari*, vol. II: *Expositio in Constitutiones. Instructiones de Officiis Ordinis. De Eruditione Praedicatorum. Epistolae Encyclicae*, ed. J.J. Berthier (Rome 1889; reprint Torino 1956), cap. 3, *Circa collationes*, p. 260: “In hujusmodi autem

delay between existing practices and regulations. Several of Humbert of Romans' statements allude to the birth of quodlibetal questions during disputed question sessions.¹⁶ In these passages, one sees various components of the *quodlibet* emerging in the efforts of the Friars Preacher to train young friars: 1) to preach convincingly, it was necessary to be well armed, so the exercises allowed advanced students to take on the role of *respondens* and *opponens*, as in disputed questions; 2) they authorized any participant whatsoever to add various other questions to the theological questions being discussed; 3) those who were not ready to play a more active role were given the opportunity to state and contrapose weighty *auctoritates* to arguments already presented, reciting them (*recitari*) without having to comment on or interpret them;¹⁷ 4) a final element that is characteristic of *quodlibeta* appears in the chapter dedicated to *disputationes*: the Dominican Order admitted external participants to the debate sessions and could give the responsibility of being *opponens* or *respondens* to those who wanted it. Hence the various elements that one will find in the great solemn sessions of quodlibetal debates were already in place.¹⁸

The Dominicans clearly recognized the need for high-level training for their future preachers as well as for the lectors and masters who had to get used to the technique of debating and arguing unexpected questions. But the General Chapter meetings would go even

collationibus solet interdum recitari aliqua questio determinata in scholis, ab illo cui fuerit injunctum; vel recitari aliqua ab aliquo qui eam praeviderit, ex injunctione sibi facta; et post recitationes, fratres qui volunt, opponunt recitanti, et ita *exercitant se opponendo et respondendo*."

¹⁶ Ibid., p. 260: "Vel solent fieri collationes de moralibus, vel de certa aliqua materia, ut de evangelio, vel de epistola, vel de summa de vitiis et virtutibus, vel de casibus, et similibus: ita quod quilibet frater sciat de quo titulo debeat recitare, vel de quolibet ad voluntatem cujuslibet; ab illis qui non sunt adhuc sufficientes ad majora, saltem *auctoritas recitari*."

¹⁷ *Recitare* belongs to the vocabulary of teaching and does not have the same sense as *declarare*. Cf. J. Hamesse, "Approche terminologique de certaines méthodes d'enseignement et de recherche à la fin du moyen âge. *Declarare, recitare, conclusio*," in *Vocabulary of Teaching and Research Between Middle Ages and Renaissance*. Proceedings of the Colloquium (London, Warburg Institute, 11–12 March 1994), O. Weijers, ed. (CIVICIMA. Etudes sur le vocabulaire intellectuel du Moyen Age, 8) (Turnhout 1995), pp. 8–28.

¹⁸ *Humberti de Romanis . . . Expositio in Constitutiones*, ed. Berthier cit., cap. 4: *Circa disputationes*, p. 261: "*Extranei vero, quando veniunt ad disputationes, honorandi sunt ab omnibus, ut cedatur eis cum volunt opponere et invitentur ad respondendum: et si male dicunt, non confundantur, nec contenduntur cum eis, in hujusmodi et similibus caveatur ab eorum offensa.*"

further, starting in 1280 at Oxford, then in 1306 at Paris, decreeing that only masters of theology who had obtained an explicit authorization could conduct these sessions. In 1280 it was decided that

We forbid lectors from disputing *de quolibet* unless they are masters in theology, except in places where the Order's *studia generalia* function, unless perhaps for some reason the custom is different in certain special places, or the prior provincials deem otherwise in their provinces.¹⁹

The apparent severity of the legislation is probably explained as a response to derivative sessions that had taken place and that drove bachelors to preside over quodlibetal disputes which should have been reserved for masters alone.

A manuscript dating from the fourteenth century and preserved in London confirms what was just said concerning the evolution of disputed questions in the mendicant *studia* at Paris. A passage describes a quodlibetal session conducted by Robert Holcot in 1334 in the Dominican *studium* of Oxford. The session is not solemn, but it did gather together the master and his *socii* as a single group performing the exercise:

In the disputation *de quolibet* the *socii* proposed ten questions, besides two that I proposed myself. Of those ten, five concerned disparate matters and five were connected in the material in some way, for they all touched on the matter of the created will . . . Again, the unconnected questions that were proposed by the *socios* in the disputation *de quolibet* . . .²⁰

¹⁹ *Acta Capitulorum Generalium I*, ed. B.M. Reichert (Monumenta Ordinis Fratrum Praedicatorum Historica, 3) (Rome 1898), *Acta, Oxoniae*, 1280, pp. 208–9: “Item. Inhibemus, ne lectores disputent de quolibet, nisi sint magistri in theologia, nisi in locis in quibus secundum ordinem generalia studia vigent, nisi forte ex causa aliqua in locis aliquibus specialibus aliud sit consuetum, aut nisi prioribus provincialibus in suis provinciis aliud videatur.” *Acta, Parisius*, 1306, II (Monumenta Ordinis Fratrum Praedicatorum Historica, 4) (Rome 1899), p. 17: “Ordinamus et volumus, quod nullus lector sine licencia magistri vel prioris provincialis vel eius vicarii aut diffinitorum de quolibet audeat disputare, nisi ubi fratrum vel secularium viget studium generale.” Cf. M. Mulchahey, “First the Bow is Bent in Study . . .” *Dominican Education before 1350* (Studies and Texts, 132) (Toronto 1998), p. 173: “. . . in future the only lectors who would be allowed to schedule quodlibets were those who were also masters of theology, experienced at these agile demonstrations from their University days. Exceptions would be made only for lectors in *studia generalia*—which increasingly were masters anyway—or in convents where there was otherwise a long tradition of *disputationes de quolibet* being held, and for those lectors whose credentials might earn them a special *licentia disputandi*.”

²⁰ London, British Library, 10. C. VI: “In disputatione de quolibet proponebantur a sociis decem quaestiones praeter duas quas proposui ego ipse [*Hoffmann*: eo ipso]. De illis decem, quinque fuerunt de materiis disparatis [MS: disputatis] et quinque fuerunt aliquo modo in materia connexae, omnes enim tangebant materiam de

The term *socii* belongs to the vocabulary of teaching and indicates study or research companions who work together, whether in a religious community or in a group constituted by a master and his students. During the thirteenth century, one encounters the term very frequently among the mendicants (in the wake of Alexander of Hales, Albert the Great, Hugh of Saint-Cher, Vincent of Beauvais, Bonaventure, and Thomas Aquinas), above all among the Dominicans, grouped together in a team effort, as Father Congar has shown quite well.²¹ These team studies allowed all the *socii* to know “cette douceur de la *societas*, d’une coopération dans l’intense recherche de la vérité.”²² Of course, the Dominicans were not the only ones to give such importance to these exercises that they organized during the *collationes*; one also finds them with the Franciscans and Benedictines, as Father Pelster has shown.²³

The evidence of Robert Holcot’s session also shows how all that has been said about Paris can be applied to the other places and faculties in which these exercises were practiced. In the fourteenth century it seems that Oxford mendicants, like their Parisian counterparts at the beginning of the thirteenth century, organized *intra muros* sessions probably intended to improve the training of their future teachers and to give the master the opportunity to practice before facing a public session in the presence of the whole university community. Therefore it is important to establish the difference between the academic activities organized by the university and these internal debate sessions of the mendicant orders.

As was mentioned, the evolution of the literary genre of disputed questions gave birth to quodlibetal questions. Disputed questions pertained both to teaching (because they were based on material

voluntate creata” (f. 152rb); “Item quaestiones non connexae quae in disputatione de quolibet per socios movebantur . . .” (f. 155va). Cited by F. Hoffmann, *Die theologische Methode des Oxford Dominikanerlehrers Robert Holcot* (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Neue Folge, 5) (Münster 1971), p. 417.

²¹ Cf. Y. Congar, “*In dulcedine societatis quaerere veritatem*,” Notes sur le travail en équipe chez S. Albert et chez les Prêcheurs au XIII^e siècle,” in *Albertus Magnus Doctor Universalis, 1280–1980*, G. Meyer and A. Zimmermann, eds. (Walberberger Studien. Philosophisch-Theologische Hochschule der Dominikaner, 6) (Mainz 1980), pp. 47–57.

²² Congar, “*In dulcedine societatis quaerere veritatem*,” p. 57.

²³ Cf. A.G. Little and F. Pelster, *Oxford Theology and Theologians c. a.d. 1282–1302* (Oxford 1934), pp. 54–6; B. Roest, *A History of Franciscan Education (c. 1210–1517)* (Education and Society in the Middle Ages and Renaissance, 11) (Leiden 2000), pp. 133–7.

examined in the classes) and research (in expanding the literal explanation given in the classes by means of *auctoritates* and the personal opinions of the master) and followed very precise rules. Quodlibetal questions brought the scientific method proper to the scholastic period to full bloom, since they did not have a close and obligatory tie to the texts being taught, but could treat any theological issue whatsoever. Interestingly, one also finds questions from current events or practical problems to be resolved in the midst of theological discussions. In spite of its optional nature, the quodlibetal disputation, like other university exercises, was controlled by well-defined criteria.

Given the originality of the early Parisian Dominicans in general, it is not surprising that the recently published critical edition of the *Quodlibeta* of Guerric of Saint-Quentin has revealed a first stage of the development of these questions within the Dominican *studium* at Paris during the 1230s.²⁴ According to our current knowledge, the first quodlibetal questions that have been identified appear to be located in the *studia* of the mendicant orders rather than in the university.²⁵ The aftermath of the great strike that took place at the University of Paris from 1229 to 1231 may provide an explanation for this development of the *quaestiones disputatae*.²⁶ One could suggest the hypothesis

²⁴ Guerric of Saint-Quentin's work was largely unedited and little known until the publication of *Guerric of Saint-Quentin, Quaestiones de quolibet*, ed. †W.H. Principe, C.S.B., with Editorial Revision and a Preface by J. Black and an Introduction by J.-P. Torrell, O.P. (Studies and Text, 143) (Toronto 2002). In his introduction, Father Torrell details the author's biography as well as the innovation that he brought to biblical exegesis, a field in which his contemporary Hugh of Saint-Cher excelled, thus providing evidence for the originality of the first Dominicans at Paris (p. 12): "... Hugues de Saint-Cher, compilateur habile, mais peu conscient semble-t-il de la portée de ses choix, retient l'exégèse d'André [de Saint-Victor] comme exprimant le sens littéral des prophéties et se contente de retrouver l'interprétation christologique au niveau du sens mystique. A l'opposé, Guerric, qui connaît lui aussi André et apprécie son savoir (il l'a sous les yeux, assure Smalley, et il le cite vingt-trois fois dans ses seize premiers chapitres), tient fermement que le sens littéral des prophéties est christologique. Il conteste d'autant plus vivement l'exégèse d'André qu'il la voit acceptée par Hugues, et il ne craint pas d'assurer que cette interprétation *secundum Iudeos et Andream* est une violence faite au texte et un détournement du vrai sens de la prophétie (*extorsio et detractio prophetie*)."

²⁵ Cf. J.-P. Torrell, "Introduction" to *Guerric of Saint-Quentin*, p. 15, n. 39: "Wippel ('Quodlibetal Questions', p. 157) est vraiment très évasif, Glorieux permet d'être plus précis: puisque, avec Guerric et Alexandre de Halès, nous sommes tout au début de ce genre littéraire, on peut situer sa naissance à Paris entre 1230 et 1235, dans le milieu des ordres mendiants."

²⁶ Cf. P. Glorieux, "L'enseignement au moyen âge. Techniques et méthodes en usage à la Faculté de Théologie de Paris au XIII^e siècle," *AHDLM* 43 (1968), p. 132; L.-E. Boyle, "The Quodlibets of St. Thomas and Pastoral Care," in *idem*,

that the mendicant orders had opened their doors for the secular university public to participate in their exercises, at a time when the quarrel between seculars and regulars did not yet exist. The expansion of the public admitted to these sessions, which previously were limited to the members of the *studia*, would have had as a consequence the gradual evolution from the disputed question to the organization of quodlibetal sessions. Since during these strike years the university setting was certainly not the ideal place for the development of new debate techniques, one would expect to find among the mendicants an evolution from disputed questions and the first phase of the realization of quodlibetal debates. We lack precise information concerning this evolution and the gradual movement from one technique to the other, however, so we are still forced to conjecture. Perhaps in the coming years the discovery of new texts and the publication of critical editions will provide the missing links that will help us better understand this evolutionary process.

Doctor of medicine of the University of Paris, Gueric served as regent master from 1233 to 1242 in the Dominican convent of Saint-Jacques, after having been *lector* of arts at Bologna. He died in 1245, the same year as his Franciscan colleague Alexander of Hales. According to Glorieux, this Franciscan master likewise was the author of *quodlibeta*, these dating from the period 1231–38.²⁷ Father Pelster confirms this hypothesis, since he also recognized Alexander's *quodlibet* among some anonymous questions preserved in a Vatican manuscript.²⁸ Moreover, Father Guyot found some traces in a Prague manuscript that contains many anonymous questions.²⁹ As things currently stand, one can say, following Father Doucet, author of the *prolegomena* to the edition of Alexander's *Summa theologica*, that the quodlibetal questions belong to the series of questions attributed to the Franciscan master "postquam fuit frater."³⁰ The Franciscan *studium* at Paris would

Facing History: A Different Thomas Aquinas (Fédération Internationale des Instituts d'Etudes médiévales. Textes et études du moyen âge, 13) (Louvain-la-Neuve 2000), p. 16.

²⁷ Cf. Glorieux II, pp. 57–9.

²⁸ Cf. F. Pelster, "Literargeschichtliches zur Pariser theologischen Schule aus den Jahren 1230 bis 1256," *Scholastik* 5 (1930), p. 65; "Die Quaestiones des Alexander von Hales," *Gregorianum* 14 (1933), pp. 401–22.

²⁹ B.-G. Guyot, "Questiones Guericci, Alexandri et aliorum magistrorum Parisiensium (Praha, Univ. IV.D.13)," *AFP* 32 (1962), pp. 1–127.

³⁰ Cf. *Alexandri de Halès Summa theologica* III, Prolegomena (Quaracchi 1948), vol. IV, pp. CLXXII–CCIII. The editor bases this on the doctrinal and redactional unity of these questions, which were preserved together and in the same order in several manuscripts.

therefore be the place of origin for Alexander of Hales' *quodlibeta*.³¹ Since we know that he entered the Franciscan Order in 1236, the *quaestiones quodlibetales* would be from after this date.

The connections between the University of Paris and the Franciscan *studium* were very close, however, and the master could have found the elements of this new technique at the university before becoming a Friar Minor. Furthermore, Gueric of Saint-Quentin had received extensive university training. Thus it is difficult to determine with certitude what belongs properly to the university and what, on the other hand, bears the more direct influence of the instruction given in the *studia*. With the data currently at our disposal, it is impossible to resolve definitively the question of the precise origin of *quodlibeta*. The issue could be reopened at any moment by a new discovery permitting us to roll back even further the first appearance of a written version of *quodlibeta* and to determine whether they came from a mendicant *studium* or the Faculty of Theology at Paris. In any case, it must be admitted that this new genre of questions very quickly encountered real success both with the mendicants and in the Faculty of Theology.

Although they followed the rules set forth for the organization of disputed questions, *quodlibeta* did not have any obligatory character. They only took place twice a year, during solemn public sessions at which the whole university took part and which were open to an audience beyond that of the university. The university would not have shown such interest in *quodlibeta* if these exercises had not been judged to be very instructive and of great doctrinal importance. The Faculty of Theology of Paris had a major reputation and these solemn debates certainly contributed to reinforcing its renown. Only the masters who earnestly desired it participated, because it was necessary to be capable of responding without warning to any question whatsoever, even on a subject that departed from the traditional boundaries reserved to theology, or of taking a stand in the doctrinal debates that engaged the intellectuals of the time.³² With respect

³¹ We still need a detailed study of the life and works of this author. Many points are still obscure and the time has come to attempt a synthesis on this subject.

³² In an appendix published as an annex to the critical edition of the *Quodlibeta* of Gueric of Saint-Quentin there is an allusion to the disparity of the subjects that are treated, p. 395: "In hac quaestione de quolibet Guericci quaeruntur quaedam quae pertinent ad mores, quaedam ad fidem, quaedam ad curiositatem, quorum scilicet cognitione nec fides instruat nec mores aedificantur."

to the latter, certain masters profited from the opportunity to attack the theories of their adversaries, and the debate could easily take on the appearance of a joust, a particular attraction for a large public.

Since questions from current events and controversial points of doctrine regularly appear among the questions posed by the participants, it is not surprising to see the master buttress his position by citing *magistralia* alongside *auctoritates scripturarum* or *patrum*. As opposed to the *auctoritates*, which could not be rejected, although very often they were subject to differing interpretations, the magisterial opinions of the authors of the preceding generation did not carry the same weight and could be contested.³³ All the citations used in developing the master's opinion were intended to display his erudition. One can further observe this by consulting the inventories of libraries of the time (in universities or convents) that preserve manuscripts containing *determinationes* from these quodlibetal sessions. The presence of these works by *moderni* and contemporary authors on the shelves of the libraries in the mendicants' *studia* shows not only the importance given to these works, but also the concern for providing the friars with useful tools for their studies.³⁴ In addition, the positions of their colleagues circulated, since intellectuals placed much importance on their associates' opinions, whether for approving or rejecting them, and they wanted to be informed about the major intellectual debates that charged the university atmosphere. Manuscripts easily accompanied the movement of students and professors traveling from university to university or from convent to convent within their respective orders, which allowed the religious to keep abreast of current trends.

Father Ypma makes an illustrative comment regarding the manuscripts that preserve the *quodlibeta* of James of Viterbo (†1308):

Thirty-odd manuscripts spread all over Europe contain the *Quodlibeta* of James of Viterbo. The great libraries of Paris have at least six copies, of which five contain the complete text of the first two *Quodlibeta*. They belonged to various masters of Paris [Peter of Limoges, Stephen

³³ Cf. Chenu, "Authentica et magistralia. Deux lieux théologiques aux XII–XIII siècles," *Divus Thomas* 28 (1925), pp. 264–5.

³⁴ Cf. K.W. Humphreys, *The Book Provisions of the Mediaeval Friars 1215–1400* (Amsterdam 1964): one finds traces of *quodlibeta* in the library of the Dominican convent of Barcelona (p. 90), in the Franciscan convent of Gubio (p. 105), at Santa Croce in Florence (p. 114), and with the Augustinians at York (p. 120).

Gebenensis, Godfrey of Fontaines] who were contemporaries of James of Viterbo, or to the important libraries of the time [Saint-Victor, Saint-Jacques]. This detail also underscores the importance given to these two *Quodlibeta*.³⁵

Consulting the lists of already identified *quodlibeta*, it appears that many brilliant professors, at the peak of their careers, and having acquired a sufficient mastery of the technique, conducted sessions of this type to augment their glory. As a result, quodlibetal questions were no longer necessarily tied to teaching, but rather they constitute the final development of the scientific method. Any question whatsoever (*quodlibet* or *de quolibet*) could be subjected to debate by any participant whatsoever (*a quolibet* or *ad voluntatem cuiuslibet*) during the first oral session. The master therefore no longer prepared for the debate as he did for disputed questions, which accounts for some of the distinct characteristics of the genre.

Characteristics

In his contribution to the 1985 book on the literature of disputed and quodlibetal questions, Father John Wippel gave a rather restrictive definition of the genre: "The Quodlibetal Question is a specific kind of Disputed Question that came to the fore in the Theology Faculty at the University of Paris some time during the first half of the thirteenth century."³⁶ Although that volume remains the text of reference, nevertheless certain points that were based on intuition have been confirmed by recent research and it is now possible to add to the evidence that he gathered. Furthermore, many critical editions of texts that were at that time unpublished have appeared and provide new clarifications. The comments that follow stem from them and allow a slight expansion and modification of the preceding definition:

³⁵ Introduction to *Jacobi de Viterbio O.E.S.A., disputatio prima de quolibet*, ed. E. Ypma (Cassiciacum. Supplementband, 1) (Würzburg 1968), p. VII and n. 12, "Une trentaine de manuscrits dispersés dans toute l'Europe, contiennent des Quodlibeta de Jacques de Viterbe. Les grandes bibliothèques de Paris en conservent au moins six exemplaires, dont cinq comprennent le texte complet des deux premiers Quodlibets. Ils ont appartenu à différents maîtres de Paris, contemporains de Jacques de Viterbe ou à des bibliothèques importantes de l'époque. Ce détail souligne aussi l'importance qu'on attribuait à ces deux Quodlibeta."

³⁶ Wippel, "Quodlibetal Questions," p. 157.

Quodlibetal disputations derive from disputed questions, but are distinguished from them by their non-obligatory nature, by the large number of theoretical, practical and current-event questions that they treat without being put on the agenda by the master himself, and by the fact that they could only take place two times a year (during Advent and Lent). From what we know right now, one can say that they appeared starting from 1230 in theological settings at Paris and reached their full bloom both in mendicant *studia* and in the Faculty of Theology.³⁷

When confronted by a collection of questions in a manuscript, one must be careful not to confuse disputed questions and quodlibetal questions. The variety of subjects treated is not enough for distinguishing between them, since some collections of disputed questions have questions on various subjects, depending on the interest of the copyist.³⁸ In this case, these are “selected passages,” which all relate to theology. The length can help: although quodlibetal questions could be quite long, especially in the fourteenth century, often they are much shorter than disputed questions and more numerous,³⁹ in which case the master would not linger very long on each one of them and his

³⁷ Cf. Torrell, “Introduction” to *Guerric of Saint-Quentin*, p. 15, n. 39: “Les disputes quodlibétiques dérivent des questions disputées, mais se distinguent d’elles par leur caractère non-obligatoire, par le grand nombre de questions théoriques, pratiques et d’actualité qui y sont traitées sans plus être mises à l’ordre du jour par le maître ainsi que par le fait qu’elles ne peuvent avoir lieu que deux fois par an (pendant l’Avent et pendant le Carême). Dans l’état actuel de nos connaissances, on peut dire qu’elles ont vu le jour à partir de 1230 dans les milieux théologiques à Paris et ont connu leur plein épanouissement tant dans les *studia* des mendiants qu’à la Faculté de théologie.” A collection of mostly anonymous questions (Douai 434) as well as another series of anonymous questions (Vat. lat. 782) confirm these data. Regarding the Douai manuscript, see O. Lottin, “Quelques *Quaestiones* de maîtres parisiens aux environs de 1225–1235,” *RTAM* 5 (1933), pp. 79–95; P. Glorieux, “Les 572 questions du manuscrit de Douai 434,” *RTAM* 10 (1938), pp. 123–52 and 225–67; J.-P. Torrell, *Théorie de la prophétie et philosophie de la connaissance aux environs de 1230. La contribution d’Hugues de Saint-Cher* (Spicilegium Sacrum Lovaniense. Etudes et documents, 40) (Leuven-Louvain 1977), pp. v–xxii; R. Quinto, “Il codice 434 di Douai, Stefano Langton e Nicola de Tournai,” *Sacris Erudiri* 36 (1996), pp. 234–361. The Vatican manuscript has been described by A. Pelzer, *Codices Vatic. Lat.*, 679–1134, vol. II, pars prior (Vatican City 1931), pp. 96–110.

³⁸ Cf. Douai 434 (cited in the previous note), which provides a good illustration of this fact, since the scribe chose to copy questions linked to certain themes that were of particular interest to him.

³⁹ Father Pelster gives the list of the 29 questions contained in a quodlibetal disputation over which Richard Knapwell presided. These 29 questions occupy only 7 folios of the manuscript (Cambridge, Peterhouse, cod. 128): “Richard von Knapwell, O.P., Seine *Questiones disputatae* und sein *Quodlibet*,” *Zeitschrift für katholische Theologie* 52 (1928), pp. 473–91.

exposition, responses to objections, and treatment of the different *auctoritates* would thus not be very extensive. Moreover, as not all the questions were related to points of doctrine, but could broach other subjects that had very little to do with theology, it is rather easy to identify these as quodlibetal.

The master did not intervene much in the first session, leaving to his assistants the task of providing an initial response to the questions posed and of presenting the arguments against the thesis under discussion. He only spoke to help the *respondens* if he found himself in a tight spot because of attacks on precise points of doctrine, to add other material going against the position if his *opponens* was short of arguments, or to give his own opinion if that of the bachelor did not suit him.⁴⁰ After one or more working days, the second oral session (*determinatio*) was organized: normally it began with a scheme that reorganized the questions in a logical fashion; then, basing himself on the notes of auditors or on the bachelors' *reportationes*, the master summarized more or less comprehensively the arguments of the first debate session for each question; finally, the master gave his definitive response.⁴¹

It was indispensable to put the questions posed during the first session into a logical order, since very different themes were treated in the session. James of Viterbo describes the procedure for the arrangement of one *determinatio*:⁴² "In the disputation that was held *de quolibet* 22 questions were asked in total. To recount them we shall proceed not in the order that they were proposed, but according to an order of some connection [between them], from the more common, earlier ones to the less common, later ones." The master thus had to group them in certain categories to present a clear determination that took into consideration all the questions posed and to improve the comprehensibility of the whole text. One finds traces

⁴⁰ Cf. Weijers, *Terminologie des universités au XIII^e siècle*.

⁴¹ BAV, Vat. lat. 1015, ff. 1ra–132va, contains Gerard of Abbeville's 20 *Quodlibeta*. The first *quodlibet* begins in the following manner (f. 1ra): "In nostra generali disputatione ad sex reducuntur quecunque querebantur." This note describes the first phase of the *determinatio* well: to summarize the first oral session of the debate.

⁴² *Jacobi de Viterbio O.E.S.A., disputatio prima de quolibet*, ed. Ypma, p. 1: "In disputatione de quolibet prehabita quesita sunt in universo viginti duo quae ut enumerentur, non ordine quo fuerunt proposita sed secundum ordinem alicuius connexionis, a communioribus et prioribus ad minus communia et posteriora procedendum est."

of this in the explanation that professors sometimes give at the beginning of their presentation:⁴³ “The questions asked in the disputation *de quolibet* can be arranged according to the sciences they pertain to, as follows: because some concerned natural philosophy, some medicine, some astronomy, some metaphysics, some theology.” Some questions reflect the discussions that took place in university settings and have themes that are unexpected for theological debates. Thus, Thomas Aquinas, for example, treats the following points: “Utrum veritas sit fortior inter vinum, regem et mulierem,”⁴⁴ or again: “Utrum auditores diversorum magistrorum tenentium diversas opiniones, excusentur a peccato erroris si opiniones magistrorum suorum sequantur.”⁴⁵ It could not always have been easy to reorganize the disparate subject matter treated during the first oral session. Some *determinationes* that have survived still reveal a certain disorder and seem more a jumble than a well-edited version. To help the reader, in certain manuscripts, such as Vat. lat. 982, the copyist added the corresponding numbers to the list of the different questions.

The master had very little time between the first oral session and the *determinatio*, on the order of three or four working days.⁴⁶ One can judge the intelligence of the master by his ability to rework the material put to debate. In addition to his memory, the notes that he or his bachelors had taken allowed him to reorganize logically the arguments that had been spurted out spontaneously in the first debate, to develop some of them, and to throw in some citations of *auctoritates*, before adding the final solution to the questions posed.

⁴³ L. Sturlese, “Gottebenbildlichkeit und Beseelung des Himmels in den Quodlibet Heinrichs von Lübeck O.P.,” *FZPT* 24 (1977), p. 200: “Questiones quae in disputatione de quolibet possunt hoc modo ordinari, secundum scientias ad quas pertinent: quia quedam erant de philosophia naturali, quedam de medicina, quedam de astronomia, quedam de metaphisica, quedam de theologia.”

⁴⁴ Thomas Aquinas, *Quodl.* XII, q. 13, a. 1 [21], *Sancti Thomae de Aquino Quaestiones de quolibet*, ed. R.-A. Gauthier (ed. Leonine, 25–2) (Rome-Paris 1996), vol. II, pp. 414.9–10.

⁴⁵ Thomas Aquinas, *Quodl.* III, q. 4, a. 2 [10], ed. Gauthier cit., vol. II, pp. 253.2–5.

⁴⁶ Cf. Nicholas of Vaux-Cernay, who conducted a quodlibetal session in 1324. The colophon of MS 214 of Cîteaux provides the following information: “Hec questiones propositae fuerunt die lune tercie septimane adventus Domini coram Magistro in scholis Sancti Bernardi Parisius, qua die dictus Magister de quolibet disputavit, et dictas questiones, prout in isto libello recitantur, determinavit die Sabbati. In sequenti sunt omnes numero XXII” (cited by E. Axters, “Le Maître cistercien Nicolas de Vaux-Cernay et son Quodlibet,” *The New Scholasticism* 12 [1938], pp. 244–5).

The questions could be very numerous (up to 50 or more) and very disparate, in which case achieving a clear and coherent account required an increase in the number of divisions and the use of subdivisions. This *determinatio* was very important because it presented a more structured account that met the expectations of the numerous listeners who were present at the public defense, not only to keep them up to date with the important problems treated in the Faculty of Theology, but also, and above all, to teach them. If the pedagogical aspect was not a priority in the oral session, the master's *determinatio* would have to take it into account and fill this lacuna. The number of *reportationes* preserved of these sessions attests to their importance. In fact, the listeners took notes for their personal use and to collect the masters' views on current events or controversial doctrinal questions.

Finally, the determination could be followed by a definitive version of the text intended for distribution (*ordinatio*). This last stage did not always follow immediately and unfortunately in many cases no definitive redaction intended for publication has come down to us, which also suggests that some masters did not bother to publish their *quodlibeta*. If the *determinatio* is often rather sloppy, suggesting a hasty redaction, it must be considered an intermediary text that has not yet received the final changes that a professor would make when producing a version for publication. Only the *ordinatio* can be considered authoritative with respect to the personal positions on the subjects under discussion. When it exists, it is sometimes followed in the manuscripts by a table of subjects treated or an index of terms that lets the reader find relevant passages more easily.

To better understand the process of reorganizing the material from the first session and the master's work for the second, it would be useful to have part of a rather faithful *reportatio* of the first discussion as well as the text of the determination. By chance, these two stages survive for a *quodlibet* of Peter of Tarentaise (†1276), the future Pope Innocent V. The *reportatio* of the debate is preserved in a manuscript in the Bibliothèque Nationale de France, while the text of the determination is preserved in Borghese 139 of the Vatican Library.⁴⁷ Although the latter is incomplete, the part that survives is

⁴⁷ Cf. Paris, BNF, lat. 16149; BAV, Borghese 139, ff. 134va–137vb.

sufficient for us to understand and appreciate the work the master did between the two oral sessions.⁴⁸

Furthermore, the margins of manuscripts sometimes contain some more personal notes added by the master. Thus, Thomas Wylton († ca. 1327) noted in the margin of a quodlibetal question:⁴⁹ “I like this answer more and so I will respond to what follows according to this conclusion, but the first response is according to the Commentator’s intent, as will be more clear in the end,” and later on, in a title, there is another remark: “The bachelors and I gave other arguments concerning the question.” These little comments, when they exist, allow a better understanding of how the sessions were organized and how the masters worked.

Usually nothing remains of quodlibetal disputations, or mere summaries, but even if some listeners came to see a show during discussions about current events, the majority of them came primarily to learn and to keep themselves up to date on controversial subjects. Thus it was often important to have a text that preserved the major subjects treated and bore witness to theological or philosophical discussions, and hundreds do survive.⁵⁰ The complexity of the organizational system as well as the extremely technical nature of the process of redaction does not make it easy to critically edit these texts, however. In fact, the editor who finds a *quodlibet* in a manuscript may face any number of textual states. First, it could be a *reportatio* that contains the notes from the first oral session. A *reportatio* is rather easy to spot because the disorder of the questions and responses, the oral character of the text, the diagrams and plans that appear in the margins, as well as the copy’s untidiness, show immediately that it is a collection of notes taken during the live debate. Ideally one can identify the author of these notes: were they taken

⁴⁸ P. Glorieux, “Le Quodlibet de Pierre de Tarentaise,” *RTAM* 9 (1937), pp. 237–80.

⁴⁹ Cf. E. Jung-Palczewska, “La question quodlibétique *De infinitate vigoris Dei* de Thomas de Wylton,” *AHDLMA* 64 (1997), p. 371: “Haec responsio magis placet mihi et ideo secundum istam conclusionem respondebo ad sequentia, prima tamen responsio est secundum intentionem Commentatoris ut magis in fine patebit,” and p. 398: “Alia erant argumenta per bachelarios et per me ad quaestionem.”

⁵⁰ Cf. Guyot, “Questiones Guerrici, Alexandri et aliorum magistrorum Parisiensium,” p. 105: “Les documents recueillis à cette occasion permettront peut-être . . . de mieux saisir comment les théologiens du Moyen-Age utilisent les oeuvres contemporaines pour la préparation et l’élaboration de leur enseignement.”

by the master himself, by one of his bachelors, by a colleague, by a student, or even by an anonymous listener? If this identification can be made, it will aid the editor in determining how much faith to have in the text. In some cases only these notes taken on the fly and recording the first session's debates survive, and thus must serve as the basis for the edition. But such an edited text, as is known, will offer nothing or very little concerning the master's position, because in fact he really intervenes only in the second oral session. Still, the traces of the first debate can help us see how these sessions unfolded: how were the questions posed, in what order, and by whom? Moreover, it is possible to use them to understand how the bachelors developed a response and to discern in them the arguments for and against that were given by the *opponens* to the theses presented. This material has some importance for a better understanding of the bachelors' level of training and for providing a telling insight into the problematic questions of a given era.

Second, the base text may be a redaction that was read during the *determinatio*, which would be a more elaborate copy. Since the master had complete freedom to organize the material as he wished and to present the arguments he kept in the order that he found best for the coherence of the whole, his edited version has an obvious didactic aim, starting with a plan that would be followed throughout the second session. Since this plan is the result of a reordering of the questions posed and a logical regrouping of the themes treated, as we have seen, the oral character of the first session no longer appears, nor do the traces of a debate recorded live, even if several allusions to it persist. In some cases, when he reckoned the arguments for or against the proposed theses insufficient, the professor could also add a series of *auctoritates* in favor of or against the opinions under discussion and insist on certain points that he wanted to develop, before giving his personal solution to each question posed. Likewise, if he saw fit, he could omit some questions or pass over in silence some of the arguments advanced. Therefore this can be an authorial text that, even if it does not yet possess its definitive literary character, can provide a better understanding of the theories defended by a given master. The second *Quodlibet* of Peter John Olivi (†1298) is very illuminating: instead of summarizing the arguments given during the oral session, in introducing them by *ut videtur* as was customary, he immediately refutes the question posed (*Queritur an tempus adventus Messie possit per Vetus Testamentum probari*) by

asserting *Et probō quod non* and following it up with a demonstration of several pages.⁵¹

Nevertheless, some listeners would also have taken notes during the second session, so the text to be edited may not necessarily be the original, but a *reportatio*.⁵² Nicholas of Strasbourg († *post* 1327) attests to this fact for Thomas Aquinas' *Quodlibet* XII.⁵³ Since the second session generally followed quickly after the first, the professor did not yet have the time to prepare his redaction as carefully as he would the final text. In many cases the manuscripts the editor has before her eyes preserve the version read during the *determinatio* or a *reportatio* of it. This is especially evident in the oral remarks left in the redaction of the text: "*dixit, dicebat* etc.," although these can be retained in an *ordinatio*, too. Fortunately, at the end of some collections there survives an index of themes examined during the disputation. This is a useful tool, compiled either by the author or by a later copyist, which can be very handy not only for the editor, but also for researchers.

The highest goal was to produce an *ordinatio* for publication. For some *quodlibeta*, an *exemplar* survives, proof that the editor has a definitive redaction completed by the master after the *determinatio* sessions, but this is the rarest case. The fact that some quodlibetal questions were published via *exemplar* and *pecia* shows the importance that this theological genre had in the eyes of the university, which only permitted the official publication of texts that were revised and corrected. It was an academic act, subject to control, which explains the care that the master had to apply to the redaction of his text.⁵⁴

⁵¹ Peter John Olivi, *Quodl.* II, q. 8, *Petri Iohannis Olivi Quodlibeta quinque*, ed. S. Defraia (Collectio Oliviana, 7) (Grottaferrata 2002), p. 116.4–6. In addition, Olivi continues in the pages that follow (pp. 117–35). Thanks to Father A. Ciceri for pointing this out to me.

⁵² This is the case for Thomas' *Quodlibet* XII. Cf. P. Glorieux, "Le quodlibet et ses procédés rédactionnels," *Divus Thomas* 23 (1939), p. 65: "Les éditions, on le sait en effet, ne présentent pas de cette dispute une rédaction émanant du maître lui-même, mais des notes prises assez rapidement par un de ses étudiants à la séance de 1270 où, dans le calme de son école, il revit avec ses élèves les trente-neuf questions chaudement discutées la veille en présence d'une extraordinaire assemblée."

⁵³ Cf. BAV, Vat. lat. 3091, f. 46va: "Dici potest quod illud quodlibet ipse non scripsit, nec correxuit, sed fuit breviter reportatum ab eo" (cited by Mgr. Glorieux, "Le quodlibet et ses procédés rédactionnels," p. 65, n. 6).

⁵⁴ Cf. *CUP* II, no. 642, p. 109. James of Viterbo's first two *quodlibeta*, for example, figure in the taxation list of the works deposited at the *stationarii* authorized by the University of Paris in 1304, which attests to the interest that they had. Other authors

He chose and weighed his words carefully. In this case, we have a true authorial text. The professor in charge could, on the basis of the two preceding oral sessions, refine the arguments for and against, complete his documentation, and plunge into a personal demonstration of certain theses, using all the subtleties of argument. Nevertheless, this text was not always prepared immediately after the oral presentations. In some cases, a rather long time separated these stages, which can diminish the interest and the timeliness of the text so published.

Each master had his own method of establishing his *ordinatio*. One recognizes rather easily a master's manner of regrouping the questions, editorial procedures, stylistic particularities, and favorite expressions. These little indications can be very useful for the editor who, when confronted by a text, has to choose a variant from one manuscript or the other. If these indications are important for putting a name to an anonymous *quodlibet*, they do not of course suffice by themselves, but must be accompanied by doctrinal arguments that the master uses in other works as well. In fact, it is not rare to find an author refer to his previous works in his *quodlibeta*.

In many cases, a manuscript only provides a series of anonymous questions. One has to admit that it is really hard to find other witnesses preserving the same quodlibetal questions—even if the *incipits* are similar, since many of them begin with identical formulas. Only doctrinal comparisons with other works of the same author can decide the question of their attribution. If one does not even have a summary of the arguments *pro* and *contra*, the solutions and the *auctoritates* used, as Father Doucet does in the *Prolegomena* to the *Summa Theologica* of Alexander of Hales, one cannot trace them back to their author.⁵⁵

Evolution and Demise

The recent studies on the origin and evolution of the disputation and of disputed questions basically examine the Faculty of Arts and

of *quodlibeta* are mentioned in the taxation lists now published in G. Murano, *Opere diffuse per exemplar e pecia* (Fédération Internationale des Instituts d'Etudes médiévales. Textes et études du moyen âge, 29) (Turnhout 2005).

⁵⁵ Cf. *Alexandri de Hales Summa theologica*, vol. IV (Quaracchi 1948).

the Faculty of Medicine.⁵⁶ In his contribution entitled “Questions disputées” in *Typologie des sources du moyen âge occidental*, Bernardo Bazàn does not specifically discuss this genre’s evolution within the field of theology, and does not sufficiently describe the transition from disputed questions to quodlibetal questions. Several decades earlier, Father Teeaert had already bemoaned this lack of information.⁵⁷ To reduce this lacuna, Father Torrell, in his work on Hugh of Saint-Cher’s contribution to the theory of prophecy, devoted part of his introduction to the *quaestio disputata* and its evolution during the first half of the 1230s.⁵⁸

This genre certainly did not come about suddenly, and must have been preceded by sessions of disputed questions during which those present proposed for debate other questions, after having heard those prepared by their professor, as we have noted above with respect to the exercises organized in the mendicant *studia*.⁵⁹ Obviously a success, they were gradually opened to a larger public than merely students

⁵⁶ Cf. D. Jacquart, *La question disputée dans les Facultés de médecine*, in Bazàn et al., *Les questions disputées*, pp. 281–315; B. Lawn, *The Rise and Decline of the Scholastic “Quaestio Disputata” with Special Emphasis on its Use in the Teaching of Medicine and Science* (Education and Society in the Middle Ages and Renaissance, 2) (Leiden 1993); Weijers, *La “disputatio” à la Faculté des Arts de Paris (1200–1350 environ)*; eadem, *La “disputatio” dans les Facultés des Arts au moyen âge*.

⁵⁷ A. Teeaert, “La littérature quodlibétique,” *Ephemerides Theologicae Lovanienses* 14 (1937), pp. 77–8: “Ainsi, puisque la dispute quodlibétique appartient au genre de question disputée et de la question en général, il aurait été très intéressant d’avoir des renseignements sur la genèse, la nature, l’évolution et le terme final de cet exercice scolaire et d’établir les diverses étapes parcourues par la simple *quaestio* du XI^e siècle, qui se rattachait encore à la *lectio*, pour arriver, par l’introduction et l’application de la dialectique pendant la première moitié du XII^e siècle, à la *disputatio* proprement dite, qui brisa pendant la seconde moitié du même siècle les derniers liens avec la leçon et forma un exercice scolaire, prenant la place d’une leçon magistrale et pour aboutir enfin, au XIII^e siècle, à la *quaestio disputata ordinaria* et *extraordinaria* et à la *quaestio disputata quodlibetica*. Il y a là certainement un champ très vaste encore à explorer.”

⁵⁸ Cf. *Théorie de la prophétie et philosophie de la connaissance aux environs de 1230. La contribution d’Hugues de Saint-Cher* (Ms. Douai 434, Question 481), ed. and French trans. J.-P. Torrell (Spicilegium Sacrum Lovaniense. Études et documents, 40) (Leuven 1977), pp. xv–xxi.

⁵⁹ Cf. P. Glorieux, “Aux origines du Quodlibet,” *Divus Thomas* 38 (1935), pp. 521–2: “L’existence de Quodlibets, de vraies disputes ‘de quolibet’ ne permet pas, comprenons-le, de conclure avec certitude que dès le début de l’institution l’initiative des questions échappe au maître pour passer aux assistants, quels qu’ils fussent. La dispute fut-elle ouverte à tout venant ou aux seuls étudiants du maître qui la soutenait, et peut-être aux bacheliers voisins, comme la dispute ordinaire; autrement dit, fut-elle de suite ‘dispute solennelle’? Le droit de poser questions et objections fut-il concédé de suite à tous les auditeurs, ou aux seuls étudiants du maître qui reçoit *in scholis suis*; en d’autres termes fut-elle de suite ‘dispute générale’?”

and masters, before becoming solemn sessions intended not just for academics, but for a wider audience. The rules that governed the choice of items to place on the agenda in university exercises, which choice was the preserve of the master alone, were probably gradually relaxed and it was perhaps easier to adopt a different system in the less rigid context of a *studium* than at a university, where everything was controlled by very clear statutes.

Undeniably the genre was successful and eventually spread to many French and foreign centers of study, as the textual production of the era attests.⁶⁰ By the 1270s the quodlibetal disputation had left the confines of the University of Paris and the mendicant *studia* in the French capital, taking place at Oxford, the Papal Curia—as attested, for example, by John Pecham's *Quodlibetum romanum* (the first master, moreover, to have conducted *quaestiones quodlibetales* at Oxford)⁶¹ and the *Quodlibeta avenionensia* conducted by Durand of St Pourçain (†1334) in Avignon—and other places with important mendicant *studia* outside Paris. Furthermore, since the present volumes only treat theological *quodlibeta*, they do not cover those that took place in the other university faculties, in spite of the fact that some sessions in the Faculty of Arts could very well provide useful information concerning the history of medieval philosophy and the doctrines that are subject to debate there, even if these exercises do not always seem to follow the same rules as in theology. The example of the University of Louvain in the late 1460s is illuminated when, in quodlibetal debates, a master of arts defended the positions held by Peter Auriol in the 1310s on divine foreknowledge and future contingents.⁶² By the fifteenth century the newer universities adopted practices that were established in the thirteenth century in the first European *studia generalia*.⁶³

⁶⁰ Gerard of Abbeville would furthermore use this genre to unleash a sustained attack on the mendicants during the quarrel between seculars and mendicants in 1250–59. Cf. L. Bongianino, “Le questioni quodlibetali di Gerardo di Abbeville contra i Mendicanti,” *Collectanea Franciscana* 32 (1962), pp. 5–55.

⁶¹ Cf. Glorieux, “Aux origines du Quodlibet,” p. 502: “ubi primum omnium disputavit in facultate theologiae de Quolibet. Ceci nous reporterait donc aux années 1272–1278.” See also the chapters by Etzkorn and Piron below.

⁶² Cf. C. Schabel, “Peter de Rivo and the Quarrel over Future Contingents at Louvain: New Evidence and New Perspectives,” *DSTFM* 6 (1995), pp. 363–473, and 7 (1996), pp. 369–435.

⁶³ Cf. A. Maierù, *University Training in Medieval Europe*, trans. D. Pryds (Leiden 1994), pp. 62–9.

The written genre of theological *quodlibeta* flourished for less than a century, lasting *grosso modo* from 1250 to 1330. The sessions that we know of dating from 1230–40 have few questions posed; in fact, the critical edition of the *quodlibeta* of Gueric de Saint-Quentin shows sessions having between three and twelve questions.⁶⁴ Over the years, this number tended to increase.⁶⁵ Since a solemn university session could not last more than one day (as all the other university activities were suspended so everyone could be present), it is clear why each question had to be treated very rapidly, if the master wanted to get through the program. The more numerous the questions, the less detailed their oral treatment would be, although the master had the option of declining to address some of the questions posed. It is possible that, as time progressed, the abundance of questions often obscured the original interest of the genre and gave way to an increasing technicity, other interests and increasingly sophisticated methods. What started as spontaneous debates frequently yielded to more complicated oral contests in which the multiplication of arguments took the participants to such a high technical level that the debates became obtuse and difficult to follow. Some *determinationes* that have come down to us show this and do not always suppress the confusion that reigned during the debate. The redaction of these texts also became increasingly elaborate, multiplying the divisions and subdivisions of the subjects treated to arrive at an artificial presentation that no longer contained the original and spontaneous character of the first determinations. Sometimes the masters competed with each other on this level, sacrificing substance to form and the doctrinal import of the debates to questions of style, by locking themselves into an arsenal of formulas that one finds throughout the texts. In addition, outside

⁶⁴ For this first period, one must consult BAV, Vat. lat. 4245. Cf. the lists of *quodlibeta* in Glorieux II, pp. 106–11, and F. Pelster, “Literargeschichtliches zur Pariser theologischen Schule aus den Jahren 1230 bis 1256,” *Scholastik* 5 (1930), pp. 46–78, as well as F.M. Henquin, “Les écrits du Frère Gueric de Saint-Quentin, O.P.,” *RTAM* 6 (1934), pp. 403–9. Several scholars have provided more or less complete descriptions: J. Fohlen, “Les manuscrits classiques dans le fonds Vatican latin d’Eugène IV (1443) à Jules III (1550),” *Humanistica Lovaniensia* 34A (1985), pp. 7–50; A. Manfredi, *I codici latini di Niccolò V* (Studi e testi, 359) (Vatican City 1994) p. 448; G. Etzkorn, *Iter Vaticanum Franciscanum: A Description of Some One Hundred Manuscripts of the Vaticanus Latinus Collection* (Leiden 1996), pp. 99–104; J. Black’s preface to the edition of the *Quodlibeta* of Gueric of Saint-Quentin, pp. xxxii–xxxv.

⁶⁵ See the lists prepared in Glorieux I and II. For example, by the 1270s John Pecham was responding to 54 questions in his *Quodlibet* at the Papal Curia.

Paris bachelors played more of a role, at the expense of that of the master, and the professor's personal teaching gave way to more or less competent solutions coming from the bachelors.

The nature of the genre may have carried the seeds of its eventual demise. *Quodlibeta* were free from the tight shackles applied in debate sessions where the only subjects treated were those proposed and chosen by the master. The spontaneous debate of apparently unconnected theses in which many persons participated in a haphazard fashion permitted a palpably greater freedom of argument, which gave the discussions a more lively character. A normal debate session revolved around a single theme and the master prepared it in advance, thus giving it coherence, while the business of *quodlibeta* was the live debate concerning very disparate questions, during which arguments spewed from all sides, creating a little chaos and a lack of coherence for those who were following the give-and-take. The discussions could be very animated when opponents confronted each other on controversial subjects. In these cases, whatever pedagogical character there was in the content of these university exercises moved to the background for a more probing treatment of questions that are theological (primarily), practical, or theoretical, bearing on any and every point of the disciplines that were taught, on problems connected with everyday life or questions from current events.⁶⁶ Since this exercise was no longer required, it was open to all. It united the university world, the members of *studia*, and other intellectuals or scholars coming from various settings, above all if it concerned current-events questions, thus allowing the university the opportunity to play its role in the local intellectual community. Outsiders could even pose questions and participate in the discussions. Therefore it is clear that these sessions could only take place when conducted by someone who was alert and capable of keeping the audience under control.

Thus not just anyone was allowed to take part in these contests. Certain religious orders sensed the danger that a performance of this sort could present, if the one conducting the session were not up to the task. When they took place as solemn sessions before an assembly

⁶⁶ Thus the quodlibetal question devoted to the beatific vision, held by Gerard Odonis at Paris in 1333, takes up again the arguments for and against Pope John XXII's position on this subject. Cf. Guiral Ot. *La vision de Dieu aux multiples formes. Quodlibet tenu à Paris en décembre 1333*, ed. and French trans. C. Trottmann (Sic et Non, 11) (Paris 2001).

of the university community, it could be perilous for masters to put their reputation on the line if they were not capable of responding adequately and personally to all the questions that were formulated. The Dominican Order intervened on several occasions to limit the friars to theological and moral questions and to ensure they would not entertain philosophical or anecdotal problems during these sessions.⁶⁷ One senses Pope John XXII's obvious disapproval in a letter dated 8 May 1317, warning theologians against certain abuses that he had heard about:

Others have put aside the frequent practice of old in the Parisian *studium* of solemn disputations and determinations. . . For some theologians have set aside or neglected the doctrines that are necessary, useful, and edifying, and meddle with philosophy's curious, useless, and superfluous questions and subtleties, by which the discipline of that *studium* is dissolved, the splendor of its light is offended, and hence its usefulness for the students is hindered in many ways.⁶⁸

These deviations irritated the pope, who was well informed about what was happening at Paris.⁶⁹ In fact, certain manuscripts have preserved the titles of questions that appear flat-out stupid and seem to have nothing to do with theological discussions. Hence a 1310 question by an anonymous Franciscan found in a Vatican manuscript: "Suppose that a freak of human nature were to appear, who from the belt down had a single female body, but from the belt up had two bodies, one being of the female sex, the other of the male sex. The male body wanted to live religiously and chastely, while the female

⁶⁷ *Acta Capitulorum Generalium I*, ed. Reichert cit., *Acta, Oxoniae*, 1280, p. 209: "Monemus quod lectores et magistri et fratres alii questionibus theologicis et moralibus pocius quam philosophicis et curiosis intendant."

⁶⁸ *CUP II*, pp. 200–1, no. 741: "alii quoque solemnium disputationum et determinationum frequentiam consuetam ab olim in Parisiensi studio pretermittunt . . . quidam enim theologi, postpositis vel neglectis canonicis necessariis utilibus et edificativis doctrinis, curiosis, inutilibus et supervacuis philosophie questionibus et subtilitatibus se immiscent, ex quibus ipsius studii disciplina dissolvitur, luminis ejus splendor offenditur et postsequens studentium utilitas multipliciter impeditur." Although quodlibetal sessions are not named explicitly, it seems that they are alluded to because of the expression "solemnium disputationum et determinationum" which precedes the hint at the excesses denounced by the pope.

⁶⁹ The papal library contained many manuscripts of contemporary *quodlibeta*, indicating their interest in these questions. BAV, Vat. lat. 4245 is a good example. It belonged to Pope Gregory XII (cf. Fohlen, "Les manuscrits classiques dans le fonds Vatican latin d'Eugène IV," p. 7, n. 7) before ending up in the inventory of Eugenius IV in 1443; cf. Manfredi, *I codici latini di Niccolò V*, p. 448.

wanted to get married. It is therefore asked whose will should be obeyed.”⁷⁰ Although these questions may have concealed important doctrinal questions, on the surface they looked stupid and perhaps even dangerous.⁷¹

John Pecham as early as 1270 and Henry of Ghent a decade later were asked about two-headed monsters, and complaints of the authorities about ridiculous sounding questions were not new phenomena in the 1310s, but the lengthy papacy and active intervention of John XXII may have tipped the scales. Pope John only had limited confidence in the theologians of the University of Paris and he would have preferred to have the masters come to Avignon and form a faculty that he could keep an eye on. He never achieved his goals, but he surrounded himself with many representatives of the mendicant orders to help him control the orthodoxy of positions defended at Paris and to conduct theological debates at Avignon. For example, it is known that Durand of St Pourçain organized quodlibetal sessions at the Papal Curia. Moreover, as a continuation of the quarrel between seculars and regulars that shook the world of the University of Paris in the second half of the thirteenth century, there are also several *quodlibeta* devoted to the problem of the supremacy

⁷⁰ BAV, Vat. lat. 982, f. 87r: “. . . supponebatur monstrum quoddam apparuisse in natura humana quod a cingulo inferius erat corpus unum tantum femineum, a cingulo vero supra erant duo corpora quorum unum erat sexus feminei, alterum masculini. Masculus volebat religiose et caste vivere, femina volebat matrimonio copulari. Queritur ergo cuius voluntati sit standum. Et videtur quod voluntati viri quia maius bonum debet praevalere minori. Debet castitas et religio esse maius bonum quam matrimonium . . .” There are many other examples of this type of question in manuscripts preserving quodlibetal questions, among others: “Ultimo queritur si ex necessitate belli aliquis vir possit se simulare in habitu muliebri ut sic optineat contra hostes . . .” (Vat. lat. 782, f. 28r), or even “. . . utrum si qui propter ebrietatem commisit incestum vel furtum, sit iniungenda duplex penitentia” (BAV, Vat. lat. 932, f. 129v in a *Quodlibet* of Peter of Auvergne). In leafing through the questions recorded by Mgr. Glorieux, it is possible to get an idea of the variety of questions raised during a single quodlibetal disputation.

⁷¹ See the chapter by Solère below. There was at the same time an even more pronounced trend in the Faculty of Arts, as Lawn indicates, *The Rise and Decline*, p. 127: “In the Arts Faculties conditions may well have been worse. As early as around 1300 the questions contained in the Paris manuscript BNF Lat. 16089, discussed earlier, were often of a frivolous nature, such as ‘whether monks ought to be fatter than other people (f.54v), whether nobles should have pendulous ears (57r), whether one ought to blow into a cap before putting it on (85r), whether lovers get more pleasure by sight than by touch (55r), which causes most grief to a woman,

of papal authority. The representatives of the mendicant orders that had benefited from the privileges granted by the popes defended papal supremacy against the seculars, who recognized the power of local ecclesiastical authorities. In the early fourteenth century, one finds traces of discussions on the supreme ecclesiastical power attributed to the pope in the *quodlibeta* produced by a Dominican, Bernard of Auvergne (†1307), who opposed the positions defended by two secular masters, namely Henry of Ghent (†1293) and Godfrey of Fontaines (†1306).⁷²

In time, the number of questions dealing with very different subjects proliferated. Therefore, in establishing his *determinatio*, the master needed a lot of dexterity to reorganize all the material to be treated, to find subject headings that allowed the questions to be grouped more or less superficially, to establish divisions and subdivisions within each group, and finally to try to give a coherence to the whole product. These technical developments ended up making the end products laborious and artificial. We are far from the spontaneity of the first discussions and from the clarity of the first *determinationes* of the mid-thirteenth century. These technical developments were increasingly accompanied by disparate and sometimes seemingly stupid questions. At the same time, the increasingly large part played outside Paris by the bachelors, who in some cases took the place of the masters in directing the sessions, weakened the attraction that disputations organized by renowned professors offered.⁷³ All this may explain the decline of the genre and the success that commentaries on the *Sentences*, which had been flourishing for some time, continued to enjoy.

the death of her lover or that of her husband? (55r), which is the most pleasing time for a woman to converse with her lover, day or night? (58v)', and other similar questions inspired by the *ars amandi*. This tendency obviously persisted and spread to other universities since in 1518 the dean of the Arts Faculty at Heidelberg thought fit to issue a decree forbidding shameful, lascivious and impudent questions to be disputed *de quolibet*."

⁷² Cf. C. Zucherman, "Some Texts of Bernard of Auvergne on Papal Power," *RTAM* 49 (1982), pp. 174–204; cf. Y.-M. Congar, "Aspects ecclésiologiques de la querelle entre Mendicants et Séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e," *AHDLMA* 28 (1961), pp. 35–151, and B.G. Guyot, "Textes inédits relatifs à l'étude précédente," *AHDLMA* 28 (1961), pp. 153–61.

⁷³ Cf. the passage from the statutes of the Dominican Order cited in note 19.

Conclusion

Quodlibetal questions can be a good gauge of the heights reached with the full development of the thought of the masters of the time. As barometers of the university atmosphere, with its discussions on pressing issues and investigations of tempestuous problems or fashionable subjects, they allow us to better understand the doctrinal history of the time. If this optional exercise, performed in the theological spheres of Paris, brings us to the peak of the scholastic method and reveals the intellectual creativity of the theologians, we also note that its success would plummet starting in the 1320s for several possible reasons which brought about the precipitous demise of the literary genre. Some of the potential causes have been mentioned already: the hypertechnicity of the genre stemming from the large number of questions asked; the abundance of formulae in the *determinatio* and the *ordinatio*, sometimes to the detriment of the master's personal redaction; the increasing part played outside Paris by the bachelors, who even ended up replacing the professor in his presiding role; and the consequent reduction of the audience's interest, since previously they were drawn as much by the personality of the great theologians of the time—who put forth their own original theories on various points of doctrine—as by the questions on current events put to debate.

In addition, as time passed, the masters completed their *ordinationes* less and less quickly after the sessions, or even neglected to do so altogether, being satisfied with *determinationes* without the polished character of a text that is well argued and considered, intended for publication and diffusion. The reduction in the length of regencies, especially of the mendicants, also meant that less time was available for masters to compose *ordinationes* of *quodlibeta*. To a lesser extent, this probably also reduced the number of *ordinationes* of *Sentences* commentaries of the late 1320s and 1330s, but those masters that had the time may have retained their most interesting comments and most original theories for their *Sentences* commentaries.⁷⁴ And since *ordinationes* of *quodlibeta*, when they exist, were published after a delay

⁷⁴ W.J. Courtenay, *Schools and Scholars in Fourteenth-Century England* (Princeton 1987), pp. 251–2.

when the topicality of a certain number of points put in debate had disappeared, they no longer enjoyed the same success.

Moreover, the curriculum in the various universities became increasingly loaded, so that the solemn character of these disputations disappeared, it being difficult to suspend the other activities to make it possible for the entire university community to attend. Besides, as time passed, quodlibetal sessions were less prevalent at the University of Paris, but continued to be organized in non-university centers of study, thus further removing the solemn character and significance that they had had in the early years.

These observations must of course be nuanced and measured according to time and place. Certainly, the fact that the masters no longer reserved their original points of doctrine for the *ordinationes* of these sessions, but continued to compose *Sentences* commentaries, helped caused the decline of this literary genre, which became obsolete in certain places. Perhaps the absence of the masters from the sessions and the lack of texts composed for diffusion removed the attractive character of these discussions and dealt them their death-blow.

That does not mean that the genre was not a huge success—quite the contrary, as the number of surviving manuscripts containing collections of *quodlibeta* demonstrate. Many of them come from the libraries of the mendicant orders, which shows the interest they had at the time for these theological questions.⁷⁵ Since, as we have shown, the mendicants organized internal quodlibetal sessions in their *studia*, it is not surprising that they wanted to have access to records of the sessions conducted by the stars of the era. The evidence for this survives, which also attests to the importance that was given to these debates in certain settings, namely the reference works produced from the teachings examined. Bertram of Alen, *lector theologiae* in the Franciscan *studium* of Münster in 1307–08, provides a good example of this compilatory work, composing a collection of excerpts put into alphabetical order to make them more accessible.⁷⁶ There is also a compilation of Peter John Olivi's *Quodlibeta* that Bernardino of

⁷⁵ Cf. Humphrey, *The Book Provisions of the Medieval Friars*, pp. 111–12 and 133.

⁷⁶ A. Beccarisi has edited this collection, *Excerpta super XV Quodlibet primae et secundae partis Summae Henrici de Gandavo et X Quodlibet Godefridi et III Jacobi* (Corpus Philosophorum Teutonicorum Medii Aevi, 7, 1) (Hamburg 2004); on this work, see also M. Bihl, “Fr. Bertramus von Ahlen, O.F.M. Ein Mystiker und scholastiker, c. 1315,” *AFH* 40 (1947), pp. 3–48 (especially pp. 18–23).

Siena (†1444) used in his sermons, as Stefano Defraia has demonstrated.⁷⁷

Admittedly, there is a lot that we still do not know about the history of this genre. With respect to its origin, we need to distinguish more precisely the role played by the mendicant orders, on the basis of new documents or witnesses that have until now remained unpublished. Quodlibetal sessions had such success in theological settings because they were an exercise common to both *studia* and university, and the ties that existed between the *studia* and the University of Paris deserve a detailed study, allowing us to draw definitive conclusions concerning the birth of *quodlibeta*. We have yet to resolve many issues concerning dating and we have to identify the authors of many questions that are currently anonymous. The only means to obtain more information on this subject is new and trustworthy critical editions. The doctrinal similarities between these questions and other works by the same author are the only certainties that one can have to attribute some of the questions. So there is still a fertile field for investigation, but it requires a lot of clearing. At the same time, we lack direct information from the period to follow step by step the genre's evolution. A better command of the doctrinal and literary history of the genre requires the chronological tracking of the sessions that the representatives of different schools conducted.

The importance of the cooperation between master and bachelors in holding oral sessions illustrates an instance of teamwork shared by university and *studia*. This collective investigation into the truth is one of the characteristics of quodlibetal questions. Thanks to the originality of ideas expressed so freely, we have a glimpse of the wealth of the different doctrinal currents that developed. The contribution they made to the scholastic method remains one of the most intriguing aspects of these debates. But, as we have seen, this golden age of scholasticism was brief and brought with it the seeds of decline, after which only other genres attest to the increasingly ambitious search for the truth that would continue to drive theologians.⁷⁸

⁷⁷ Cf. *Petri Iohannis Olivi Quodlibeta quinque*, ed. Defraia cit., pp. 109*–21*.

⁷⁸ This chapter was translated from French by William O. Duba and the editor.

THE *QUODLIBETA* OF THOMAS AQUINAS IN THE CONTEXT OF HIS WORK

Kevin White*

Thomas Aquinas, who found instances of *disputatio* in scripture and in Aristotle, seems to have regarded it as a natural feature of human conversation, however formalized it might become in a university setting. Remarks on the nature of *disputatio* can be found in several of his works, in particular his commentary on *Job*, in which he has occasion to discuss the *disputationes* between Job and his friends and between Job and God. A *disputatio*, he says, consists of a question and a response. It is between two persons, an opponent and a respondent. The opponent needs above all sharpness of mind, in order to discover reasonable ways of showing what he proposes; the respondent needs above all wisdom, in order to judge well of what he hears. There is a science of disputing well. And there are three noteworthy impediments to discovering the truth by disputation: unwillingness to hear one's adversary, responding noisily and haughtily to what one does hear, and being intent not on truth, but on victory and glory. These remarks on *disputatio* in general provide a context for what Thomas describes as disputations that take place all day long in the schools of the masters about the Trinity and other articles of faith, held not in order to bring these articles into doubt, but for

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the understanding and confirmation of truth.¹ Such disputations in the schools include, of course, his own *quodlibetal* disputes.

The following discussion of his *quodlibeta* attempts to highlight some of their formal features and representative themes with a view to situating them in the context of his work. I begin with (1) a general overview of the arrangements of the *quodlibeta* and (2) an examination of a backward reference in the first *quodlibet*. I then consider three interrelated topics that arise from a reading of the *quodlibeta*, and concerning which there are important links between the *quodlibeta* and the rest of Thomas's work: (3) the theme of *status*, (4) questions on teachers and students, and (5) references to authorities. To conclude I offer some remarks on (6) the last *quodlibet* and (7) the *quodlibeta* and Thomistic scholarship, and in an Appendix I discuss a manuscript of the *quodlibeta* at The Catholic University of America. Many details of the *quodlibeta*'s rich content will of necessity be left out of consideration, but I hope the discussion will help show that the *quodlibeta* constitute a significant whole within the greater whole of Thomas's *opera omnia*.

¹ "Et quia ex interrogatione et responsione fit disputatio . . ." (*Expositio libri Posteriorum* 1.22 [ed. Leonine 1*2: 77.93–4]); "Est autem disputatio inter duas personas, scilicet opponentem et respondentem . . ." (*Expositio super Iob ad litteram* 13.22 [ed. Leonine 26: 87.306–7]); "... et propter hoc reputabat eum indignum sua disputatione, cuius una pars pertinet ad opponentem, in quo maxime requiritur acumen intellectus ad inveniendum rationabiles vias ad propositum ostendendum . . . altera vero pars disputationis pertinet ad respondentem, in quo maxime requiritur sapientia ut bene iudicet de auditis . . ." (ibid., 34.34 [184.390–8]); "... et dialectica quae est ex operibus quae sunt a nobis ordinatis ad sciendum, cum sit scientia bene disputandi . . ." (*In 3 Sent.*, 33.3.1, sol. 4 [ed. Mandonnet-Moos 4: 1078]); "... hoc est enim primum impedimentum veritatis inveniendae per disputationem, cum aliquis ea quae ab adversario dicuntur audire non vult. Secundum impedimentum est cum ad audita clamose et contumeliose respondet . . . Tertium impedimentum est cum aliquis in disputatione non intendit ad veritatem sed ad victoriam et gloriam, ut accidit in disputationibus litigiosis et sophisticis . . ." (*Expositio super Iob ad litteram* 6.28–9 [ed. Leonine 26: 44–5.307–17]); "... cum tota die in scolis magistrorum disputetur et de Trinitate et de aliis articulis fidei, non propter dubitationem, sed propter ueritatis intellectum et confirmationem" (*De 43 articulis* 33 [ed. Leonine 42: 33.460–3]). See R. Busa, ed., *Index Thomisticus: Sancti Thomae Aquinatis Operum Omnium Indices et Concordantiae* (Stuttgart 1975), s.vv. *disputare*, *disputatio*. In preparing this chapter I have consulted this index for these and several other terms. See also E.A. Synan, "Brother Thomas, the Master, and the Masters," in *St. Thomas Aquinas, 1274–1974: Commemorative Studies* II, A.A. Maurer, ed. (Toronto 1974), p. 223, n. 18.

Overview

Apart from the fact that he was a relatively early practitioner of the quodlibetal form, Thomas's eminence as a theologian and philosopher lends special interest, of course, to his contributions to the form.² But it was for him a decidedly minor form, and not just because his *quodlibeta* constitute a relatively small portion of his writings. Most of the articles in them address questions that he answers elsewhere at greater length and in more illuminating contexts, and he himself, in the prologue to his *Summa theologiae*, speaks slightly of the kind of ordering of material that *occasio disputandi* permits, suggesting by the term *occasio* an incalculable element of *casus* or chance that, if it is present in other kinds of dispute, is overwhelmingly so in the procedure of dealing with questions "from anyone, about anything."³ In the context of his work as a whole, then, his *quodlibeta* seem at first sight negligible in size, redundant in content, and inferior in organization. If they had not been preserved, how diminished would our understanding of his thought be? If they were all that remained of his work, how complete or accurate an understanding would it be?

Yet the origins of the *quodlibeta* in unpredictable oral disputations also suggest that they do have a special place in the context of his work, taken precisely as a whole, for thanks to these origins they have, like his most comprehensive writings, an orientation to the complete range of theological questions. The variety and abrupt juxtapositions that result from his ceding the formulation of questions to others in the *quodlibeta* are not only indications of the multitude

² Eighty years ago Pierre Mandonnet called Thomas the "creator" of the quodlibetal dispute, but it has long since been clear that the genre was born in the early 1230s, and that among its first exponents were Alexander of Hales (1185?–1245) and Gueric of Saint-Quentin (d. 1245?). See P. Mandonnet, "St. Thomas d'Aquin, créateur de la dispute quodlibétique," *RSPT* 15 (1926), pp. 477–506, 16 (1927), pp. 5–38; P. Glorieux, "Aux origines du Quodlibet," *Divus Thomas* 38 (1935), pp. 502–22; Wippel, "Quodlibetal Questions," p. 157, n. 1; J.-P. Torrell, "Gueric de Saint-Quentin et ses *quodlibeta*: Introduction historique et théologique," in Gueric of Saint-Quentin, *Quaestiones de quolibet*, ed. W.H. Principe, C.S.B., with Editorial Revision and a Preface by J. Black (Studies and Texts, 143) (Toronto 2002), p. 15; and Hamesse's chapter above.

³ "Consideravimus namque huius doctrinae novitios, in his quae a diversis conscripta sunt, plurimum impediri . . . partim . . . quia ea quae sunt necessaria talibus ad sciendum, non traduntur secundum ordinem disciplinae, sed secundum quod requirebat librorum expositio, vel secundum quod se praebebat occasio disputandi": *Summa theologiae*, Prooemium (ed. Leonine 4: 5).

of interests of the others, but also reminders of the wealth of theological material that is more fully on display in his *Sentences* commentary, *Summa contra gentiles*, and *Summa theologiae*. Each of his *quodlibeta* is a genetic sample, so to speak, of the whole of theology as he and his audience understood it, and as such they have a claim on the attention of scholars that is disproportionate to their relative size among his works, as well as to the low esteem in which he would seem to have held them.

Twelve *quodlibeta* are attributed to him, five from his first period as a regent master in the Faculty of Theology at the University of Paris, and seven from his second. These two periods constitute the second and fourth of five stages in his career that may be distinguished, with reference to his three great theological works, as follows:⁴

- 1251/52–56 *sententiarius* in Paris; commentary on the *Sentences*
- 1256–59 first Parisian regency; completion of the written version of the commentary on the *Sentences*; five *quodlibeta*; start of the *Summa contra gentiles*
- 1259–68 assignments in Italy (Naples?, Orvieto, Rome); completion of the *Summa contra Gentiles*; first part of the *Summa theologiae*
- 1268–72 second Parisian regency; seven *quodlibeta*; second part of the *Summa theologiae*
- 1272–74 assignment in Italy (Naples); third part of the *Summa theologiae*, left unfinished at his death in 1274

With exactly ten years between the last of the first group of disputations (Easter 1259) and the first of the second group (Easter 1269), the *quodlibeta* provide windows on Thomas's dealings with academic audiences and their questions in Paris during an early and a late stage of his career, first during his completion of the *Sentences* commentary and start on the *Summa contra gentiles*, then during his writing of the second part of the *Summa theologiae*. These two stages correspond to the two phases of the anti-mendicant controversy at the University of Paris, both of which are reflected in questions addressed in the *quodlibeta*.⁵

⁴ For the chronology of Thomas's life and works, see *Index scriptorum et operum in praefatione et in apparatu nominatorum*, in *Quaestiones de quolibet* (ed. Leonine 25.2: 479–500); and “Nouvelle Chronologie Sommaire,” in J.-P. Torrell, *Initiation à saint Thomas d'Aquin: Sa personne et son oeuvre*, 2nd ed. (Fribourg-Paris 2002), pp. 45*–50*.

⁵ On the two phases of the anti-mendicant controversy, see Torrell, *Initiation à saint Thomas d'Aquin*, pp. 109–31; J.A. Weisheipl, *Friar Thomas d'Aquino* (1974; repr. Washington, DC, 1983), pp. 80–92, 263–72; M.-M. Dufeil, *Guillaume de Saint-Amour*

Students of Thomas's thought and students of the *quodlibet* form are fortunate to have the Leonine edition of his *quodlibeta*, edited by René-Antoine Gauthier and published in 1996.⁶ The edition includes an introduction that discusses the manuscript sources and the chronology of the disputes; a critical text with an apparatus of variants; a second apparatus indicating parallels, sources, and relevant scholarship; indexes of references to Sacred Scripture, authors mentioned by Thomas, and authors mentioned by the editor; and an appendix of *quaestiones* not by Thomas but added by scribes to his last *quodlibet*. In the introduction Gauthier settles, apparently with finality, questions of chronology disputed by twentieth-century scholars.⁷ So as not to introduce confusion into the scholarship, he retains the traditional numbering of the twelve *quodlibeta*, which does not reflect their chronological order. I will take it for granted that Gauthier's chronology and text are essentially correct, and that familiarity with the dense erudition of his edition is indispensable to adequate contemporary discussion of the *quodlibeta*. I am heavily indebted to him in all that follows.

et la polémique universitaire parisienne 1250–1259 (Paris 1972); and A. Traver, *The Opuscula of William of Saint-Amour: The Minor Works of 1255–1256* (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Neue Folge, 63) (Münster 2003), pp. 1–81.

⁶ *Sancti Thomae de Aquino Quaestiones de quolibet*, ed. R.-A. Gauthier (Opera omnia iussu Leonis XIII P.M. edita cura et studio Fratrum Praedicatorum, 25) (Rome-Paris 1996). Vol. 1: *Préface, Questiones disputatae Parisius annis 1256–1259 (Quodlibet VII, VIII, IX, X, XI)*. Vol. 2: *Questiones disputatae Parisius annis 1269–1272 (Quodlibet I, II, III, VI, IV, V, XII), Indices*. Pagination in volume 1 is divided into two parts: (1) “Préface,” consisting of “Avant-propos” (pp. IX*–XI*), “Table” (pp. XI*–XII*), and text (pp. 1*–160*); and (2) the text of *Quodlibeta* VII–XI (pp. 1–171) and *Tabula quaestionum et articulorum* (pp. 172–4). Pagination in volume 2 is also divided into two parts: first, pagination begun in the second part of volume 1 is continued through the text of the second series of *quodlibeta* (pp. 175–430), a *Tabula quaestionum et articulorum* (pp. 431–7), and a set of Indices (pp. 439–502); then there is an Appendix, *Questiones additae ad Quodlibet XII* (pp. I–XXI).

I will refer to articles by *quodlibet* number, *quaestio* number, and article, the last both as numbered in the question and, in square brackets, as numbered in the *quodlibet*; when quoting or paraphrasing I will also give line numbers. Thus “VIII.6.5[15].26–9” indicates lines 26–9 of the fifth article of *Quaestio* 6 in *Quodlibet* VIII, which is the fifteenth article in the *quodlibet*. I will refer to the edition's *Préface* as “Gauthier,” with asterisked page numbers.

⁷ Note in particular pp. 79*–81*, 100*–1*, 111*–12*, 124*–8*, 136*–41*, 151*, 158*–60*. For overviews of the various chronologies proposed earlier, see Torrell, *Initiation à saint Thomas d'Aquin*, pp. 305–6, and L. Boyle, “The *Quodlibeta* of St. Thomas and Pastoral Care,” in idem, *Facing History: A Different Thomas Aquinas* (Textes et Études du Moyen Age, 13) (Louvain-la-Neuve 2000), pp. 13–35, at pp. 17–20. (Boyle's study was first published in *The Thomist* 38 [1974], pp. 232–56.)

I will distinguish between the words “question” and “*quaestio*.” The twelve *quodlibeta* consist of 264 articles, reflecting the number of questions raised at the disputations. (Compare the 265 articles that constitute the first fifty *quaestiones* of the *Summa theologiae*.) The fact that questions have been formulated by others is unusual in Thomas’s work; it draws attention to the act of questioning, and so gives special importance to the word “question” in its ordinary sense. In the interest of clarity, then, I will leave the term *quaestio*, as meaning an inquiry constituted by a set of thematically related articles, untranslated, and say that the 264 questions have been grouped, in some cases by Thomas, in some cases, apparently, by the questioners, into 134 *quaestiones*. Gauthier’s chronological ordering, together with numbers of articles and *quaestiones*, is as follows.

First group (84 articles, 42 *quaestiones*)

- Quodlibet* VII, Easter 1256 (18 articles, 7 *quaestiones*)
- Quodlibet* VIII, Easter 1257 (20 articles, 9 *quaestiones*)
- Quodlibet* IX, Christmas 1257 (16 articles, 8 *quaestiones*)
- Quodlibet* X, Easter or Christmas 1258 (17 articles, 8 *quaestiones*)
- Quodlibet* XI, Easter 1259 (13 articles, 10 *quaestiones*)⁸

Second group (180 articles, 92 *quaestiones*)

- Quodlibet* I, Easter 1269 (22 articles, 10 *quaestiones*)
- Quodlibet* II, Christmas 1269 (16 articles, 8 *quaestiones*)
- Quodlibet* III, Easter 1270 (31 articles, 14 *quaestiones*)
- Quodlibet* VI, Christmas 1270 (19 articles, 11 *quaestiones*)
- Quodlibet* IV, Easter 1271 (24 articles, 12 *quaestiones*)
- Quodlibet* V, Christmas 1271 (28 articles, 14 *quaestiones*)
- Quodlibet* XII, Easter 1272 (40 articles, 23 *quaestiones*)

Gauthier’s reconstruction of the establishment of the *quodlibeta*’s traditional numbering explains how the last *quodlibet* came to be the only “correctly” numbered one of the twelve, chronologically speaking. Soon after Thomas’s second Parisian period, his six completed *quodlibeta* from that period, in the order I–II–III–IV–V–VI, together with John Pecham’s *Quodlibet* II, were published in an exemplar of 14 *peciae* by the Parisian stationers. The scribe who prepared the published version had mistaken Pecham’s *quodlibet* for Thomas’s missing *Quodlibet* XII, and had removed *Quodlibet* VI from its proper place in the chronological

⁸ A planned eleventh *quaestio* of *Quodlibet* XI is missing from the manuscripts; see below pp. 102–3.

order, between III and IV. This exemplar is mentioned in a taxation list written sometime during 1273–76. A second exemplar in 24 *peciae*, mentioned in a taxation list dated 25 February 1304, added the five *quodlibeta* of the first series in the order VII–IX–X–XI–VIII. Still later, Pecham's *quodlibet* was removed, and *Quodlibet* XII was added as the "twelfth" *quodlibet*. The sequence of *quodlibeta* varied until it was fixed by the second printed edition in 1471.⁹

Note that the second group has two more disputations than, and more than twice as many *quaestiones* and articles as, the first group does; that the average number of *quaestiones* and articles per *quodlibet* is higher in the second group; and that the 40 questions asked at the last disputation make it by far the most eventful from the point of view of number of questions asked.

It would be a daunting but worthwhile project to undertake a comprehensive study of the doctrinal content of the *quodlibeta*. Apart from the length such a study would require, there would be the difficulty of deciding on the most intelligible way of proceeding. A detailed commentary on all of the *quodlibeta* in chronological order would be historically informative and doctrinally rich, but lacking in unity and clarity; a reconstitution of them all into a borrowed or invented comprehensive order might bring the various elements into focus, but at the expense of eliminating Thomas's twelve arrangements of questions. Either approach would be a constant reminder of the contrast the prologue of the *Summa theologiae* draws between the *ordo disciplinae* and the inferior order allowed by such occasions of disputation as the *quodlibeta* record.¹⁰

The present discussion, in any case, must restrict itself to consideration of just a few of the *quodlibeta*'s more significant features.

⁹ See Gauthier, pp. 82*–7*, 124*–8*, 158*–60*.

¹⁰ One might say that Gauthier's *apparatus fontium*, which includes historical and philological information and references to parallels, sources, and modern scholarship, would, if read continuously in its entirety, provide a basis for, or even a sketch of, a commentary of the first kind. Occasionally something like the second kind of commentary has been attempted, for instance in R. Janssen, *Die Quodlibeta des heil. Thomas von Aquin: Ein Beitrag zu ihrer Würdigung und eine Beurteilung ihrer Ausgaben* (Bonn 1912), and A.M. Driscoll, *The "Quaestiones Quodlibetales" of St. Thomas Aquinas* (M.A. dissertation, The Catholic University of America, 1930). These two authors suggest different strategies for dealing in an orderly way with the many and various questions in the *quodlibeta*. Janssen (pp. 13–77) sorts them out and discusses them according to "subordinate," "settled," "burning," and "scientific" questions; Driscoll (pp. 50–62) proposes a rearrangement of them according to the order of the *Summa theologiae*.

We begin with the most prominent, the just-mentioned arrangements Thomas has provided in preparing his twelve *ordinationes*. (I am counting the text of *Quodlibet* XII as an incipient *ordinatio* in the sense that at least its arrangement of questions has been established.) In each case the arrangement is the form, as it were, that he has imposed on the questions that made up his given material. The form is dependent on and limited by this material, but also dependent on and limited by the small fund of conventional theological distinctions that he had to draw on for organizing principles.¹¹ Neither a *divisio textus* educed from another's work nor an *ordo disciplinae* designed by the master himself, the sequencing of a *quodlibet* belongs to an intermediate species of textual order, one that to some extent resembles each of the other two in structure.¹² It is as if the original session had been, unknown to the participants, a complete but disordered text of which the master subsequently discovered the true unity, order, and division; the chance combination of questions turns out to have been something like a book. And it is as if this imaginary book were a thematically intelligible sampling of selected questions from some great, pre-established theological *ordo disciplinae*, a sampling of questions widely separated within this order, perhaps, but in any case one that was badly mixed up at the first quodlibetal session;

¹¹ On the ordering of *quodlibeta* in general, see P. Glorieux, "Le *quodlibet* et ses procédés rédactionnels," *Divus Thomas* 42 (1939), pp. 61–93, and Wippel, "Quodlibetal Questions," pp. 166–71. Glorieux distinguishes five kinds of *quodlibet* according to their different ways of beginning: "le *Quodlibet* ordinaire; le *Quodlibet* ex abrupto; le *Quodlibet* à introduction; le *Quodlibet* à sommaire; le *Quodlibet* à prologue" (p. 77). Glorieux says that "most" of Thomas's *quodlibeta* are of the first kind (*ibid.*), and Wippel concurs: "First, then, in the *Quodlibet ordinaire*, the Master simply indicates without any theoretical justification the general headings or categories under which questions originally posed are now to be placed . . . [T]his was the most widespread form of classification adopted, and especially during the period from 1230 until 1270. Such, for instance, is the plan followed by Thomas Aquinas in most of his *Quodlibeta*" (p. 167). In fact all of Thomas's *quodlibeta* follow this pattern.

¹² On the particular aptness of the architectural metaphor of "structure" in discussions of scholastic writing, see Erwin Panofsky's illuminating classic *Gothic Architecture and Scholasticism* (New York 1957). On the subject of *divisio textus*, see J.F. Boyle, "The Theological Character of the Scholastic 'Division of the Text' with Particular Reference to the Commentaries of Saint Thomas Aquinas," in *With Reverence for the Word: Medieval Scriptural Exegesis in Judaism, Christianity, and Islam*, J.D. McAuliffe et al., eds. (Oxford 2003), pp. 276–83, and B.C. Bazàn, "13th Century Commentaries on *De anima*," in *Il Commento filosofico nell'occidente Latino (secoli XIII–XV)* (Rencontres de Philosophie Médiévale, 10) (Turnhout 2002), pp. 119–84, especially pp. 175–8. Note that in addition to the theological *ordo disciplinae* mentioned at the beginning of the *Summa theologiae*, Thomas also finds an *ordo disciplinae* in Aristotle's writing; see *Sentencia libri De sensu et sensato* 1.8 (ed. Leonine 45.2: 49.27).

the master then restored the questions to their true order and showed their mutual relations. Still, despite its limitations and its imitation of other forms, the arrangement of topics is the most evident and far-reaching initiative of each *ordinatio*, the one in which the master gives shape and unity to the questions asked of him, to his determinations of them, and to his transformation of an oral exercise of which he was the target into a written work of which he is the author.¹³ In the case of Thomas, then, we start with an accidental chronological sequence of twelve quite deliberate orderings of topics, each of which seems to aim at the kind of ideal order of learning mentioned in the prologue of the *Summa theologiae*. Does this sequence reveal any patterns?

The first *quodlibet* (VII) begins by distinguishing three kinds of questions that were asked at the disputation, some pertaining to spiritual substances (qq. 1–3), some to the sacrament of the altar (q. 4), and some to bodies of the damned (q. 5). No clear principle of order is immediately suggested by this division. One might discern a descending movement from the spiritual to the bodily or from the better to the worse, but the initial impression of desultoriness is only confirmed by the addition of two other groups of questions, unannounced in the opening division, on the senses of scripture (q. 6) and manual labor (q. 7). The whole seems to be a concatenation of *quaestiones* rather than a reasoned grouping and ordering of them, and while the awkwardness is due at least in part to the wide range of subjects asked about, it may also be partly attributable to Thomas's inexperience in ordering quodlibetal material.

The next *quodlibet* (VIII), by contrast, provides a synoptic view of the whole of its material with a three-part division into questions dealing with what pertains to nature (qq. 1–3), what pertains to fault and grace (qq. 4–6), and what pertains to punishment and glory (qq. 7–9), a division based on the patristic recapitulation of human history that Thomas had found echoed throughout Peter Lombard's *Sentences*. The principal distinction is between nature and grace (compare Augustine's title *De natura et gratia*), or, more completely, between the three successive "perfections" of nature, grace, and glory.¹⁴ In different combinations, all five terms of the division, including "fault"

¹³ On quodlibetal authorship, see Wippel, "Quodlibetal Questions," pp. 182–6.

¹⁴ "Ad primum ergo dicendum, quod est triplex perfectio, scilicet naturae, gratiae, et gloriae.—Perfectio autem naturae est quae fuit in principio saeculorum.—Perfectio

and “punishment,” recur in divisions of several subsequent *quodlibeta*, but as subordinated to other structural principles.

The structure of the third *quodlibet* (IX) is taken from the Pauline division between Christ as “head” (qq. 1–3) and his “members” (qq. 4–8). Some of Thomas’s contemporaries had regarded this division as a way of summarizing the subject of theology, but he himself elsewhere prefers to describe the subject otherwise, as “the divine being knowable by inspiration” in his *Sentences* commentary, and simply as “God” in the *Summa theologiae*.¹⁵ Under “members,” *Quodlibet* IX considers first angels (q. 4), then human beings, who are treated with respect to nature (q. 5), grace (q. 6), fault (q. 7), and glory (q. 8).

The fourth *quodlibet* (X) uses a different overarching distinction, between questions on God (q. 1), angel (q. 2), and soul, reminiscent of the division of “first causes” towards the beginning of the *Liber de causis*.¹⁶ The soul is considered with respect to nature (qq. 3–4), grace (q. 5), fault (qq. 6–7), and glory (q. 8). The last *quodlibet* of the first group (XI) varies this pattern slightly: there are questions on God (qq. 1–3), angels (q. 4), and, instead of “soul,” “human being,” a change perhaps provoked by a question on the resurrection of the body (q. 6, a.un. [6]). The human being is considered with respect to the parts of human nature (qq. 5–6), the sacraments of grace (q. 7), and, under an unusual and interesting heading, *de conuersatione humane uite*, “the social dimension of human life” (q. 10).

vero gloriae erit in fine saeculorum. Et quia perfectio gratiae media est inter utramque, ideo Christus, per quem gratia facta est, circa medium saeculorum venit”; *In 3 Sent.*, 1.1.4, ad 1 (ed. Mandonnet-Moos 3: 27).

¹⁵ “Respondeo, quod subiectum habet ad scientiam ad minus tres comparationes. Prima est, quod quaecumque sunt in scientia debent contineri sub subiecto. Unde considerantes hanc conditionem, posuerunt res et signa esse subiectum huius scientiae; quidam autem totum Christum, idest caput et membra; eo quod quicquid in hac scientia traditur, ad hoc reduci videtur. . . Si autem volumus invenire subiectum quod haec omnia comprehendat, possumus dicere quod ens divinum cognoscibile per inspirationem est subiectum huius scientiae” (emphasis added); *In 1 Sent.*, Prol. 1.4, c. (ed. Mandonnet-Moos 1: 15–16). “Respondeo dicendum quod Deus est subiectum huius scientiae . . . *Quidam vero, attendentes ad ea quae in ista scientia tractantur, et non ad rationem secundum quam considerantur*, assignaverunt aliter subiectum huius scientiae: vel res et signa; vel opera reparationis; *vel totum Christum, idest caput et membra*. De omnibus enim istis tractantur in ista scientia, sed secundum ordinem ad Deum” (emphasis added); *Summa theologiae* 1.1.7 (ed. Leonine 4: 19).

¹⁶ As Thomas says in his commentary on *Liber De causis*: “Causae autem universales rerum sunt trium generum, scilicet causa prima quae est Deus, intelligentiae et animae, unde circa primum tria facit: primo enim distinguit haec tria genera. . .”; *Super librum De causis expositio* 2, ed. H.D. Saffrey (Fribourg-Louvain 1954), p. 11.8–11.

Ten years later, the first *quodlibet* of the second series (I) returns to the same fundamental division between questions on God (qq. 1–2), angel (q. 3), and human being, the last now considered with respect to the three goods of nature (q. 4), grace (qq. 5–9), and glory (q. 10). The God-angel-human being division is at least partly retained in all of the remaining *quodlibeta*; the nature-grace division disappears as an organizing principle in the next five *quodlibeta*, but returns prominently in the last. *Quodlibet* II is divided into questions on Christ (q. 1), angels (qq. 2–3), and human beings, the last considered with respect to virtues (qq. 4–5), sins (q. 6), and punishments (qq. 7–8). The next two *quodlibeta* add to the God-angels-human beings structure a further division for questions on “the purely corporeal creature” (III, q. 14; VI, q. 11), but the second-last *quodlibet* (V) reverts to the three-part division into questions on God (qq. 1–3), angels (q. 4), and human beings (qq. 5–14).

The third-last and last *quodlibeta* use architectonic schemes strikingly simpler than those of any of the others. *Quodlibet* IV divides questions concerning *res divinae* (qq. 1–5) from those concerning *res humanae*, and subdivides the latter with respect to grace (q. 6), the sacraments of grace (q. 7), and human acts (qq. 8–12). The last *quodlibet* (XII) has the simplest division of all, between “the supra-human things”—God (qq. 1–3), angels (q. 4), and the universe (q. 5)—and *res humanae*, considered first with respect to human nature (qq. 6–8), and then with respect to grace (qq. 9–19) and fault (qq. 20–23).

Taken in chronological order, then, the *quodlibeta* present a succession of four governing distinctions: (1) nature, grace and fault, and glory and punishment; (2) Christ as head and His members; (3) God, angels, souls or human beings, and sometimes corporeal creatures; and (4) the divine or supra-human things and the *res humanae*. The first two distinctions are, respectively, patristic and scriptural, the latter two somewhat more philosophical. The last one invites reflection on the use of the classical term *res humanae*, meaning “the activities and business of human life, human affairs,”¹⁷ in Thomas’s work. In the divisions of *Quodlibeta* IV and XII the sense of the term is quite comprehensive, covering human nature, grace, and human action. In other contexts Thomas seems to mean by it simply human action, often as considered under providence and fate; in the prologue

¹⁷ *The Oxford Latin Dictionary*, s.v. “*res*,” 14b: “*res humanae*.”

to his commentary on *Job*, for example, he explains the origin of the book in a difficulty many have “concerning human acts,” namely “whether *res humanae* proceed from chance or are governed by some providence or higher order.”¹⁸ Human action again is what is meant in *Quodlibet* XII where he says that *res humanae* proceed from intellect, an incorporeal power that is not subject to the action of the stars or any body (3.2[5].38–41); and that a king has the greatest power in practical matters, that is, in “the *res humanae* that man can do” (13.1[21].39–41). Sometimes, as in III.6.3[17].386–88, the term means worldly or secular business as distinguished from spiritual business commissioned by God. The many questions about what Thomas calls *res humanae* in *Quodlibeta* IV and XII apparently attest to his reputation as an authority on these matters during his second Parisian regency, when he was also composing an elaborate account of “the activities and business of human life” in the second part of the *Summa theologiae*, as well as his commentary on *Nicomachean Ethics*. Such a reputation is suggested in particular by the many questions on matters concerning *cura animarum* throughout the second group of *quodlibeta*, a pattern identified by Leonard Boyle in his important and widely noted study of 1974, “The *Quodlibeta* of St. Thomas and Pastoral Care.”¹⁹ To Thomas’s audience, most of whom were clerical students destined for a life of pastoral care, such questions concerned the most significant, or at least the most pressing, aspect of the *res humanae*. Boyle also points out that after 1300 the pastoral teaching of *Quodlibeta* I–VI became known throughout Europe by means of pastoral manuals that were dependent on a *Summa confessorum* by John of Freiburg, a work that incorporated much of the moral teaching of Thomas’s *Quodlibeta* I–VI and *secunda secundae*.²⁰

¹⁸ “. . . emersit dubitatio apud plurimos de actibus hominum, utrum *res humanae* casu procederent an aliqua providentia vel ordinatione superiori gubernarentur”; *Expositio super Iob ad litteram*, Prologus (ed. Leonine 26: 3.26–9).

¹⁹ See note 7 above. Several articles exemplifying this aspect of the *quodlibeta* are discussed in A. Boureau and E. Marmursztejn, “Thomas d’Aquin et les problèmes de morale pratique au XIII^e siècle,” *RSPT* 83 (1999), pp. 658–706.

²⁰ Boyle, “The *Quodlibeta* of St. Thomas and Pastoral Care,” pp. 31–5. Boyle concludes: “It is surely not inappropriate that the replies furnished so carefully by St. Thomas in Determinations at Paris in 1269–1272 to chance questions from pastoral care should have reached, however indirectly, over the next two centuries and more, that very milieu from which these practical questions had come in the first instance” (p. 35).

If the divisions of the *quodlibeta* in the second group reflect a growing concern with the human things, understood above all as the moral things, we should not forget that more speculative questions concerning God are also present in every *quodlibet*, and that questions on angels occur in all except VIII and IV. As in the *Summa theologiae*, this speculative material in each *quodlibet* is small in comparison with the practical material that it frames, but it provides the ultimate context for the many moral questions. I turn now to a couple of speculative questions that come up in the first *quodlibet*, questions concerning the divine nature and the nature of human knowledge.

A Backward Reference in the First Quodlibet

Thomas's arrangement of *quaestiones* in an order announced at the beginning of a *quodlibet* allows a sort of aerial overview of the landscape of topics he is about to negotiate. Occasionally, as he works through the questions at ground level, so to speak, he reinforces the sense of a unified whole of which he is the author in another way, by a backward reference to an earlier article. He does so at one point in the first *quodlibet*, suggesting that the unity of this *quodlibet* may be greater than appears from its introductory division. With a view to setting forth some of the content as well as the structure of this first *quodlibet*, let us consider this reference.

In VII.3.1[6], it is asked whether the divine *immensitas*—the divine immensity or “measurelessness”—excludes plurality of persons. Obviously alluding to the doctrine of the Trinity, the question implicitly asks how assertion of the divine immensity can be reconciled with this doctrine. The assertion itself is apparently taken for granted by the questioner, perhaps on the basis of remarks in the *Sentences*, a text in the background of many questions asked in the *quodlibeta*.²¹ The article's first objection argues that everything immense is “indeterminate” and

²¹ One important statement concerning divine immensity in the *Sentences* is the following: “Est ergo ubique <divina essentia> tota, quae continet totum et penetrat totum; quae nec pro sui simplicitate dividi, nec pro sui puritate maculari, nec pro suo immensitate ullo modo comprehendi potest”; *Magistri Petri Lombardi Sententiae in IV libris distinctae*, vol. I, part II, ed. I. Brady (Grottaferrata 1971), I, d. 37, c. 4 (p. 269.20–3). Cf.: “Fateamur itaque divinam naturam pro immensitate sui nusquam deesse . . .”; *ibid.*, c. 9 (p. 273.13–14).

therefore stands as a unity (ll. 12–13), i.e. not a plurality. Thomas will dispute the claim that whatever is immense is indeterminate, but he agrees that the question depends on the notion of determination. The article's response begins as follows: "... immensity excludes plurality only inasmuch as it removes determination, which is a principle of plurality; but as was said before, determination is of two kinds, determination of limitation and determination of distinction..."²² The reference is to a passage in the *quodlibet's* first article; in order to see the relationship between the two articles, let us take a closer look at the structure of *Quodlibet* VII.

Eighteen questions were asked and, as noted above, no evident principle of order unites the five topics under which Thomas sorts them: spiritual substances, the sacrament of the altar, the bodies of the damned, the senses of scripture, and manual labor. Nor does any such principle seem to be behind his subdivision of the first group of *quaestiones*: concerning spiritual substances, he says, questions were asked about their knowledge (q. 1), about the *fruitio* of the soul of Christ at the time of the passion (q. 2), and about the plurality found in spiritual substances (q. 3). (This last heading brings together questions on two rather different instances of plurality: plurality of persons in the divine, and duality of subject and accident in angels.) Something of a sustained thematic focus first emerges with the division of *Quaestio* 1 into four articles: Whether a created intellect can see the divine essence immediately; Whether a created intellect can understand several things at once; Whether an angelic intellect can know singulars; and Whether the *noticia* that Augustine calls the mind's "offspring" (*proles*) is an accident. In effect this first *quaestio* of Thomas's first *quodlibet* is a series of four reflections on creaturely intellectual knowledge, reflections based on philosophical principles of Aristotle, Augustine, and Pseudo-Dionysius.

When Thomas held this first *quodlibet* in early 1256, he was just at the start of his career as a master in theology. He had received his license to teach in February; he held the *quodlibet* before Easter, which was on 16 April; and he gave his inaugural lecture as master sometime between 3 March and 17 June.²³ It is fitting that the first of

²² "... immensitas non excludit pluralitatem nisi secundum quod tollit determinationem, que est pluralitatis principium; sicut autem prius dictum est, duplex est determinatio, scilicet limitationis et distinctionis..." (VII.3.1[6].32–6).

²³ Torrell, *Initiation à saint Thomas d'Aquin*, pp. 73 and 75.

his first *quodlibet*'s questions is about what would become one of his greatest themes, the human being's vision of the divine essence, a subject to which he would often return in subsequent works. In later *quodlibeta* alone, for example, he would be asked Whether the blessed first see the humanity of Christ or His divinity (VIII.9.2[20]); Whether any created intellect can see God through His essence (X.8[17]); and Whether St Benedict saw the divine essence in the vision in which he saw the whole world (I.1[1]). As this question concerning St Benedict is the first in the first *quodlibet* of the second series, it and VII.1.1[1] symmetrically make both of Thomas's series of *quodlibeta* start with questions concerning human vision of the divine.

Behind the question about immediate vision of the divine essence stands a long history that Hyacinthe François Dondaine traced to a tension in scripture between some verses which seem to say that no human being can see God and others suggesting that some people, at least, will see Him.²⁴ Under the influence of Augustine and Gregory the Great, Western theology had emphasized the latter verses, but the emphasis of Eastern theology on the former ones had also had some influence in the West through Latin translations of works by Pseudo-Dionysius, John of Damascus, and John Chrysostom. In the West, John Scotus Eriugena was at the origin of an explanation that seemed to want to have it both ways, claiming that God will be seen, although not in His essence, but in theophanies or manifestations of Himself. In thirteenth-century Paris it became customary to pose the question in terms of intermediaries: Will the vision of God be *per medium* or *sine medio*? During the 1230s certain theologians in Paris, including some of Thomas's Dominican predecessors, inclined to the Greek view that unmediated knowledge of God is impossible, eventually provoking a condemnation of this view in a censure of several errors by the bishop of Paris and then by the Parisian masters in 1241, just fifteen years before Thomas's first *quodlibet*. In 1243 and 1244 General Chapters of the Dominican Order stated that the brethren must erase these errors from their books, and another chapter would do so at Pentecost 1256, shortly after Thomas held his first *quodlibet*.²⁵ Both as a Parisian theologian and as a Dominican,

²⁴ H.F. Dondaine, "L'objet et le 'medium' de la vision béatifique chez les théologiens du XIII^e siècle," *RTAM* 19 (1952), pp. 60–130.

²⁵ See J.-P. Torrell, "La vision de Dieu 'per essentiam' selon saint Thomas d'Aquin," *Micrologus* 5 (1997) ("La visione e lo sguardo nel Medio Evo"), p. 44. See also H.-F.

then, he had reason to take seriously the question asked in the first article.

This background helps account for the emphasis with which his response in VII.1.1[1] begins: it must be held *without doubt*, he says, that the divine essence is *immediately* seen by the glorified intellect in heaven.²⁶ He describes three possible intermediaries in intellectual vision. One is a *sub quo*, something “under” which the intellect sees, and which “readies” (*disponit*) it for seeing; in our present condition this is the “light” of the agent intellect in us, which is to our possible intellect as the sun is to the eye. Another intermediary is a *quo*, a “that by which” a thing is seen; this is the intelligible “species,” which determines the possible intellect, and is to it as the visible “species” or image of a stone is to the eye. A “species,” as the article subsequently makes clear, is the *quo* or “by which” of knowing by being the perfectly representative likeness of what is known; a visible species is the perfectly representative likeness of a physical appearance, an intelligible species the perfectly representative likeness of an essence or *ratio*; and a species “determines” the act of knowing to be about one thing rather than another. The third intermediary is an *in quo*, something “in” which a thing is seen; it is a thing through or by which (*per quam*) we come to knowledge of something else, as when we see a cause in its effect, or one of two similars

Dondaine, “Hugues de s. Cher et la condamnation de 1241,” *RSPT* 33 (1949), pp. 170–4; H.-F. Dondaine and B.-G. Guyot, “Guerric de Saint-Quentin et la condamnation de 1241,” *RSPT* 44 (1960), pp. 225–42; and P.-Y. Maillard, *La vision de Dieu chez Thomas d’Aquin: Une lecture de l’In Ioannem à la lumière de ses sources augustiniennes* (Bibliothèque thomiste, 53) (Paris 2001). Maillard discusses *Quodlibet* VII.1.1[1] on pp. 191–2.

²⁶ “Dicendum quod *absque dubio* tenendum est quod essencia diuina in patria *immediate* ab intellectu glorificato uidetur” (ll. 69–71; emphasis added). This form of opening by emphatic statement of the conclusion recurs twice more in *Quodlibet* VII: “Dicendum quod angelus *absque dubio* singularia cognoscit” (1.3[3].61–2); “Dicendum quod sub speciebus illis *absque dubio* continetur totum corpus Christi et tota quantitas eius” (4.1[8].32–4). Cf. IX.7.1[14].26–7: “Dicendum quod *absque dubio* Petrus peccauit mortaliter negando Christum.” It’s always worth noting how Thomas begins a *responsio*. Often, as with his arguments in other works, his opening gambit is a distinction, definition, statement of principle, authority, or preliminary *notandum*. Sometimes he starts by drawing attention to the occasion with a backward reference, as we have just seen, or with a comment on the question or even the questioner: “Dicendum quod casus propositus non uidetur esse de facili possibilis . . .” (X.5.1[9].31–2); “Dicendum quod hoc quod pro questione hic inducitur, dubitationem non habet, nisi quod quidam contentioni studentes ueritatem obnubilare conantur” (IV.12.1[23].248–50).

or contraries in the other, and it is like a mirror in which things other than the mirror are seen. The first and second intermediaries do not make for mediated vision: I am said to see a stone “immediately,” “without mediation,” although I see it by means of or through (*per*) the species of it received in the eye, and by means of or through light. The reason is that sight is not brought to bear on these intermediaries as things visible themselves; rather, by means of or through them it is brought to bear on the one visible thing outside the eye. But the third intermediary *does* make for mediated vision, for sight looks at a mirror as something visible in itself, by means of which it receives the species of the thing seen *in* the mirror, and likewise an intellect that knows a cause in its effect considers the effect as something intelligible in itself, from which it goes on to knowledge of the cause (ll. 69–100).

In the present life we know the divine essence in its effects, so we do not see it immediately; in heaven, where the divine essence will be seen immediately, this intermediary *in quo* will be completely removed. Nor will there be the second kind of intermediary, the *quo*, in heaven, for the following reason. When something is seen immediately through a species of it, the species must represent the thing *secundum completum esse sue speciei*, “according to the complete existence of its species.” Otherwise what would be said to be seen immediately would not be the thing, but a “shadow” (*umbra*) of it; it would be similar to the production of a likeness of light in the eye in the mode of color, color being “shadowy light” (*lux obumbrata*).²⁷ But since everything that is received in something is received in it through the mode of the receiver,²⁸ a likeness of the divine essence that perfectly represented it according to the whole of its essence (*ratio*) could not be received in a created intellect. A finite intellect could not receive an infinite likeness of the infinite divine essence. So if we were to see the divine essence by means of a likeness, what we would see immediately would not be the divine essence, but a shadow of it (ll. 101–20).

²⁷ Cf. *In 3 Sent.*, 14.1, sol. 3 (ed. Mandonnet-Moos 3: 438): “Similitudo autem alicujus rei recepta in vidente non facit eum videre rem illam, nisi perfecte eam repraesentet; sicut similitudo coloris in oculo existens, non facit videre lucem perfectam, quia in colore non est nisi quaedam obumbrata participatio lucis.”

²⁸ On occurrences of this axiom in Thomas’s work, see J. Tomarchio, “Four Indices for the Thomistic Principle *Quod recipitur in aliquo est in eo per modum recipientis*,” *Mediaeval Studies* 60 (1998), pp. 315–67, and “Thomistic Axiomatics in an Age of Computers,” *History of Philosophy Quarterly* 16 (1999), pp. 249–75.

In the vision of the divine essence, then, there will be only an intermediary of the first kind, the light of glory by which the intellect will be made complete or ready (*perficietur*) for seeing the divine essence. This light will not be needed for making something that is intelligible in potentiality intelligible in actuality, which is one reason why we need the light of the agent intellect in the present life; since the divine essence is of itself separate from matter, it is of itself intelligible in actuality. The light of glory will be needed only to make the intellect complete or ready for seeing (which the light of the agent intellect also does in the present life). Using no intermediary, it alone will suffice for this purpose, because the divine essence itself is a pure intelligible light from which the light of glory descends into the human intellect (ll. 125–35).²⁹

The article's first objection is not about these intermediaries of knowledge, but about the prior, more abstract point that knowledge is a "determination" by an object. A created intellect is undifferentiatedly (*indifferenter*) related to all intelligibles; it can only know something determinately in being determined by it; but the divine essence is not an object that can determine the intellect, for it is the highest of beings, the one of greatest generality and in no way determinate; therefore a created intellect cannot see it (ll. 22–29). Thomas answers this argument by addressing the notion of determinacy. He says that a thing may be called determinate in two ways, by reason of limitation and by reason of distinction, and that the divine essence is something determinate not in the first sense, but in the second. His argument is that form is only limited by being received in something else, something that has a "mode" to which the form is made "commensurate" by being received in it; but in the case of the divine essence there is not something received in something else, because here the *esse*, the existence or existing, is the subsisting divine nature itself. (Note the shift from form to *esse*; existence is introduced as a

²⁹ Thomas presents his account of three intermediaries of vision also in *In 4 Sent.*, 49.2.1, ad 15 (ed. Parma [repr. 1949–50] 7: 1200–1), and *De veritate* 18.1, ad 1 (ed. Leonine 22: 532–3.226–302). The latter refers to the third intermediary not as an *in quo*, but an *a quo* (l. 231). In these and still later texts, such as *Summa theologiae* 1.12.2 (ed. Leonine 4: 116–17), he will again argue that the created intellect sees the divine essence by no intermediary other than the light of glory. Jean-Pierre Torrell points out that Thomas's solution to the question was anticipated by Albert the Great and, more remotely, Guerric of Saint-Quentin: "La vision de Dieu 'per essentiam' selon saint Thomas d'Aquin," p. 55.

sort of form.) This identity of existence and nature does not happen in anything else; everything else has an existence that is received and therefore limited. Thus the divine essence is distinguished from everything else by the fact that it is *not* received in something else. It is as if there were a whiteness that did not exist in a subject: it would by this very fact be distinguished from any whiteness that did exist in a subject, although, being unreceived, it would not, as whiteness, be limited. Clearly, then, the divine essence is not something general in its existing, since it is distinct from all other things. It is general only in its causing, inasmuch as what is *per se* is cause of what is not *per se*: as a *per se* subsisting existence it is cause of every existence received in something else. Being something determinate by reason of distinction, then, the divine essence *is* something intelligible that can determine an intellect (ll. 143–66).³⁰

As Gregory Rocca has pointed out, this reply neatly turns the opposing argument back on itself: “by the *very fact* that God is not defined or determined by limitation, as are all other realities, the divine being is distinguished from all other beings . . . Aquinas ingeniously answers that God is a distinct individual precisely *through*, not

³⁰ Thomas previously confronted a closely related objection in the article in his *Sentences* commentary on the oneness of God (*In 1 Sent.*, 24.1.1 [ed. Mandonnet-Moos 1: 574–7]). The third objection here says that a thing cannot be one unless it is *in se terminatum et distinctum ab aliis*, determinate in itself and distinct from other things; thus oneness follows from the actuality of a *forma terminans*, a determining form. But God cannot be *terminatus* in Himself, for only that whose essence determinations embrace (*termini circumplectuntur*) is *terminatum*, and such is not the case with God; therefore God cannot be one (obj. 3). Thomas answers that God is something *determinatum in se*, for otherwise features (*conditiones*) of other beings could not be denied of Him. He is not called a *determinatum ens* because He is confined by any limit (*quia aliquo termino finitus sit*), but rather because He is distinguished from all other things through the eminence of His existing (*per excellentiam sui esse*), which is utterly simple and has nothing added to it (ad 3). Here Thomas does not pick up on the objector’s term *distinctum*. But in *Quodlibet* VII.1.1[1], confronted with a similar objection that does not, however, mention distinction, he himself brings it up and focuses on it, making explicit the distinction concerning distinctions that he was groping towards in the earlier reply. The earlier reply contrasted being determinate by being confined by a limit with being determinate by eminent simplicity of *esse*. The quodlibetal reply formalizes the contrast, saying that a thing can be determinate either by reason of limitation or by reason of distinction. This is an advance in conceptual clarity, explicitness, and simplicity. Abstract names have been found for the two kinds of determinacy: determinacy of *limitation*, which emphatically does not belong to God, and determinacy of *distinction*, which emphatically does. The earlier reply had described the divine *esse* as not receiving any addition; the quodlibetal reply describes it as not being received in anything else. Both statements express the absolute simplicity of the divine *esse*.

despite, the divine infinity, which distinguishes and individualizes the divine nature without limiting or finitizing it.”³¹ In short, just because God is not limited, He is determinate. This ingenious answer expresses the deepest theme of Thomas’s theology and metaphysics, the identity of essence and existence in God and their distinction in all else.³² The distinction of God from all else by denial of a distinction in Him is Thomas’s signature description of what has been called *the* Christian distinction, the distinction between God and the world.³³ But although it expresses this fundamental Christian and Thomistic theme, the reply is unique in Thomas’s writings in its distinction between two senses of determinacy, determinacy of limitation and determinacy of distinction. This distinction is so primitive, and so theologically and philosophically valuable, that one might expect to find it elsewhere in his work, but if other passages assume or imply it, this is apparently the only one to spell it out, at least in these terms, and it seems unlikely that he expected all readers of his other works to have read his *quodlibeta*. Perhaps, to adapt a remark of Joseph Owens on Thomas’s commentary on the *Sentences*, we might say that the reply is a case of an early text in which Thomas is working out the basis of his philosophical thought “in vivid detail and with a welcome freshness that in the later works gradually gives way to more mature and settled terminology or established discussion.”³⁴ As a passage that makes an interesting point but is without parallel in the Thomistic corpus, it shows how the *quodlibeta* can enrich understanding of Thomas’s thought.

Let us return to the backward reference in 3.1[6] that we started with. As we have seen, Thomas begins the response by saying that immensity excludes plurality only inasmuch as it removes determination, which he now calls “a principle of plurality.” In other texts, notably his commentaries on the *Sentences* and Boethius’s *De Trinitate*,

³¹ G. Rocca, *Speaking the Incomprehensible God: Thomas Aquinas and the Interplay of Positive and Negative Theology* (Washington, DC, 2004), p. 262.

³² See J.F. Wippel, *The Metaphysical Thought of Thomas Aquinas: From Finite Being to Uncreated Being* (Monographs of the Society for Medieval and Renaissance Philosophy, 1) (Washington, DC, 2000), pp. 132–76.

³³ See R. Sokolowski, *The God of Faith and Reason: Foundations of Christian Theology* (1982, repr. Washington, DC, 1995), p. 23, and *Eucharistic Presence: A Study in the Theology of Disclosure* (Washington, DC, 1994), pp. 37–51.

³⁴ J. Owens, *Towards a Christian Philosophy* (Studies in Philosophy and the History of Philosophy, 21) (Washington, DC, 1990), p. 239.

he speaks of other “principles of plurality,” namely distinction or discreteness, and diversity or alterity.³⁵ As in 3.1[6], the background in these texts is the doctrine of the Trinity, that is, of a plurality of persons in God, although Thomas often takes the occasion to introduce more general metaphysical and arithmological reflections on being and number as such. The quodlibetal article is relatively concise in this regard. After reminding the reader that two kinds of determination were distinguished in 1.1[1], determination of limitation and determination of distinction, it goes on to say that in what is divine there is no determination of limitation at all, but there is determination of distinction, and this in *two* ways. One, which we have seen, is according as the divine is distinguished through its essence from all created things as the unlimited from the limited. The other kind of determination of distinction, which is new, is according as one person is distinguished from another through or by (*per*) the relation of origination, a distinction that is due not to any limitation, but to the “opposition” that occurs in a relation. Since the divine immensity does not exclude this distinction (which as such involves no limitation), it does not exclude plurality of persons (ll. 32–47). In short, while there is in God no determination due to limitation, there are two kinds of determination of distinction concerning Him: distinction *of* Him from all else, and distinction *in* Him between persons. To schematize Thomas’s taxonomy of determination:

1. determination of limitation
2. determination of distinction
 - i) determination of distinction of the unlimited from the limited
 - ii) determination of distinction by opposition in the relation of origination

It is remarkable how Thomas locates the two fundamental doctrines of Christian theology, God as Trinity and God as Creator, within this division.³⁶ His procedure, occasioned and prepared for by the

³⁵ “... quaedam vero significant id quod est principium pluralitatis, sicut distinctio et discretio...” (*In 1 Sent.*, 24, *divisio textus* (ed. Mandonnet-Moos 1: 573); “... ergo diversitas vel alteritas principium pluralitatis est” (*Super librum Boetii De Trinitate*, 4.1, sc 1 [ed. Leonine 50: 120.57–8]).

³⁶ Questions on the Trinity as such, as distinct from questions on God or on Christ, are rare in Thomas’s *quodlibeta*, but the first question of the last *quodlibet*, on whether there is in God only an “essential existence” (*esse essenziale*), or also a “personal existence” (*esse personale*), returns to the theme of distinction within the divine.

objection, is to make maximum abstraction from the question at hand—from intellectual vision of God to determination in general—and then to turn back towards the question by means of a primordial distinction, in this case between limitation and distinction. The procedure is characteristic of scholasticism in general, but Thomas, with his extreme formality of speech, brings it to a certain perfection. And although he uses it everywhere in his writings, his *quodlibeta*, as in the passages we have just considered, provide him with special opportunities for applying it.

The backward reference in 3.1[6] is a rare instance of an explicit such reference in the *quodlibeta*.³⁷ Are there any implicit backward references meant to make similar contributions to coherence and order? For example, to stay with *Quodlibet* VII, in 4.3[10], it is asked à propos of the Eucharist whether God can make bodily quality exist without quantity, and the response begins by saying that we should attribute to the divine power, by reason of its “immensity,” whatever does not connote imperfection (ll. 44–46). Is the reader meant to recall the discussion of immensity in 3.1[6]? Or again, the fifth objection in 6.1[14] says that there cannot be several proper senses of sacred scripture because, according to Aristotle, one cannot understand several things at the same time (ll. 40–46). With no acknowledgement of the reference to Aristotle, Thomas answers that even an instrumental, human author of scripture can understand several things in something he writes inasmuch as one thing is a “figure” of another, as when a prophet speaks about present events and simultaneously signifies the future (ll. 114–21). Does he ignore Aristotle’s remark here because he is relying on his audience to remember 1.2[2], in which he explained,

Thomas says there that the truth of the faith holds that in what is divine there is only distinction according to opposed relations. Relation, like any form, has its existence in reference to that in which it is. The existence of the relation of sonship is by reference to the subject in which it is present. But in what is divine, relation is not distinguished from that in which it is, because the relation is the thing itself that is being related. Rather, the relation is distinguished only from the point of view of that to which it is opposed, and from that point of view what is considered is not the existence of the relation, but its distinction and opposition. There is then in God only one existence, the essential existence (XII.1.1[1].24–33).

³⁷ Another instance is II.8.2[16].35–8, which refers back to 7.2[14].61–5. Several instances occur in the *quaestiones* on the religious state in III.5–6, emphasizing that Thomas is taking a synoptic view of the questions asked here: 5.2[12].95–7 refers back to 5.1[11].182–7; 5.4[14].18–24 refers back to 5.1[11].85–9; and 6.3[17].134–5 refers back to 5.2[12].53–8.

with reference to Aristotle, the ways in which one can and cannot understand several things at once (ll. 40–122)?³⁸ It is, of course, impossible to prove that he intended a backward reference in such cases, but his preoccupation with unity and order everywhere else in his writings makes it reasonable to presume that any appearance of interconnectedness in one of his *quodlibeta* stands a good chance of being deliberate.

The Theme of Status

The first *quodlibet* closes with a *quaestio* on the precept concerning manual labor and its bearing on members of religious orders. It was almost inevitable, it seems, that the subject would be asked about at the first *quodlibet* of a young mendicant master in Lent of 1256 in Paris, given the heated atmosphere that had been produced by a recent series of public exchanges on the issue between the anti-mendicant secular William of St Amour and the Franciscan Bonaventure. Thomas based his responses in *Quodlibet* VII.7 on a *quaestio* by Bonaventure on manual labor. Then, within a few months of holding the quodlibetal dispute, he used his own VII.7 as the basis for Chapter 5 of his treatise against William entitled *Contra impugnantes Dei cultum et religionem*, and he subsequently had the seventh *quaestio* suppressed in manuscript copies of *Quodlibet* VII (Gauthier, pp. 79*–81*). With William's condemnation on 5 October 1256 and his banishment from Paris in early 1257, the first phase of the anti-mendicant controversy ended, and the later *quodlibeta* from Thomas's first Parisian period accordingly have no contentious questions on religious life. But while Thomas was in Italy during 1259–68 the controversy was revived in Paris by William's disciple Gerard of Abbeville, and Thomas may have been sent back to Paris in 1268 precisely to have him respond to the new anti-mendicant attacks.

³⁸ The suggestion is Gauthier's (pp. 58*–9*). He makes it in the course of an argument against the view that q. 6, on the senses of sacred scripture, was originally an independent *quaestio* and was later added on to the *quodlibet*. His point is that the brief reference to Aristotle in the fifth objection of article one and the neglect of the objection's reference to Aristotle in the reply would make no sense in an independent discussion, but are quite intelligible if 6.1[14].40–6 is meant to recall 1.2[2].40–122.

In any case he certainly did so in a number of writings, including some *quodlibeta*.³⁹

Thus *quaestiones* in several of his *quodlibeta* are important as documents in the mendicant controversy. Less formally polemical than his *Contra impugnantes Dei cultum et religionem* (1256), *De perfectione spiritualis vitae* (1269–70), and *Contra doctrinam retrahentium a religione* (1270–71), they nevertheless share with these treatises the intention to defend the mendicant way of life against secularist attackers. And just as *Quodlibet* VII.7 served as a draft for a chapter of *Contra impugnantes*, so *quaestiones* from the second group of *quodlibeta* are closely related to chapters of *De perfectione* and *Contra doctrinam*. Among their other functions, the *quodlibeta* served as occasions for Thomas to rehearse his positions in defense of religious life.

One effect of the mendicant controversy on him was to focus his attention on the term *status*, in the sense of “state of life” or “social condition.”⁴⁰ The term comes to the fore in an article in the first *quodlibet* of his second Parisian period, where it is asked whether someone who is able to devote himself to salvation of souls sins if instead he uses his time for study (I.7.2[14]). The bearing of this question on the controversy about religious life is clear from the second objection: those who are perfect are held to what is better; members of religious orders are perfect; therefore, members of religious orders above all should set aside study in order to concentrate on salvation of souls (ll. 10–13). It is not difficult to hear a tone of anti-mendicant sarcasm in this argument, especially in the minor premise, but Thomas replies carefully and at length.

He begins by distinguishing two senses of the word “perfect.” Someone can be called perfect either because he has perfection itself

³⁹ On conjectured reasons for Thomas’s return to Paris, see Weisheipl, pp. 236–8; Torrell, *Initiation à saint Thomas d’Aquin*, 265–8. On connections between Thomas’s second series of *quodlibeta* and Gerard of Abbeville, see Glorieux, “Les polémiques ‘Contra Geraldinos’,” *RTAM* 6 (1934), pp. 5–41. See also the early fourteenth-century marginal annotation for IV, q. 12: “Isti duo articuli fuerunt disputati a fratre thoma contra geroldum in principio quadragesime” (IV.12.1[23], adn.).

⁴⁰ Cf. J.-A. Robilliard, “Note sur la notion de condition (status) en s. Thomas,” *RSPT* 25 (1936), pp. 104–7; J.-M. Aubert, *Le droit romain dans l’oeuvre de saint Thomas* (Paris 1955), pp. 28–31; and S.-T. Bonino, “Charisms, Forms, and States of Life,” trans. M.T. Noble, in *The Ethics of Aquinas*, S.J. Pope, ed. (Washington, DC, 2002), pp. 340–52. An entry for the term *Status* in the *Historisches Wörterbuch der Philosophie*, ed. J. Ritter (Basel-Stuttgart 1971–), describes the modern sociological descendent of the medieval concept.

or because he has a state of perfection. Human perfection consists in charity, which unites man with God, and thus scriptural commands to be perfect refer to love of God and neighbor. But people are said to have a “state” of perfection who are solemnly bound to something that is connected to charity in one of two ways. It may be a preamble to and preparation for perfection, such as poverty or chastity, by which one is restrained from concern with secular things in order to devote himself more freely to the things of God. Whoever observes voluntary poverty or chastity, then, has something preparatory to perfection—but he is said to have a *state* of perfection only if he binds himself to poverty and chastity by solemn profession, for one is said to have a state, for instance a state of liberty or of matrimony, in keeping with something solemn and perpetual. Such, evidently, is the situation of those who are in religious orders. The other way in which something is connected with the perfection of charity is as an effect of it, such as dedication to care of souls: it belongs to perfect charity to set aside the sweetness of the contemplative life and take on for God’s sake occupations of an active life in order to secure the salvation of one’s neighbors. Whoever is concerned with his neighbors’ salvation in this way has an effect of perfection, but not a *state* of perfection—unless he is a bishop, who takes on the care of souls in a solemn consecration. Archdeacons and parish priests hold certain commissioned offices rather than being in a state of perfection; only bishops and members of religious orders are called perfect in the sense of having a state of perfection. This is why members of religious orders, and not archdeacons or parish priests (*plebani*), are made bishops (ll. 89–124). The perfection of the state comes from the solemnity with which it is entered into, “solemnity” connoting complete and unbreakable binding force.⁴¹

With this distinction between perfection and state of perfection in place, Thomas is able to answer the objection by qualifying the

⁴¹ “Virtus autem voti est obligatio: quae quidem virtus complete est in voto solemnī, cuius obligatio nullo casu irritari potest . . .” (*In 4 Sent.*, 38.1.2, sol.2 [ed. Parma 7: 1007]); “. . . votum, ut dictum est, dicitur solemnē ex hoc quod habet completam vim obligandi”; *ibid.*, sol.3. The distinction between simple and solemn vows is addressed in *Quodlibet* III.7.1[18], which asks Whether a woman who, having taken a vow of continence, subsequently contracts a marriage *in facie ecclesie*, can without sin have sexual union with her husband; for discussion of this article see Boureau and Marmursztejn, “Thomas d’Aquin et les problèmes de morale pratique,” pp. 699–704. Cf. *Summa theologiae* 2–2.88.7 (ed. Leonine 9: 253–4).

maxim that those who are perfect are held to what is better. This is true if it refers to those who are called perfect because they have the perfection of charity, for they are obligated by an interior law that obligates by inclining them, according to the measure of their perfection. But it is not true if it refers to those who are called perfect because of their state: bishops are bound only as far as the care they have taken on extends, and religious only as far as the vow of their profession obligates them. Otherwise obligation would be infinite, against the fact that nature, art, and law all have definite limits (ll. 125–38).

The theme of state of perfection is a *leitmotif* of Thomas's second Parisian period.⁴² He had mentioned the state of perfection in *Summa contra gentiles* III, c. 130 (1263–64), but *Quodlibet* I.7.2[14] is the first adumbration of his mature doctrine of *status*, to which he returned in the *De perfectione spiritualis vitae* of 1269–70. He devoted the original conclusion of *De perfectione*, Chapters 18–23, to the state of perfection, elaborating on what he had sketched out in *Quodlibet* I.7.2[14], but as he was finishing these chapters he learned of an attack on his position in Gerard of Abbeville's *Quodlibet* XIV, q. 1, of December 1269, which argued that parish priests and archdeacons are in fact in a state of greater perfection than are religious. Thomas responded in the unplanned Chapters 24–30 that he immediately added to *De perfectione*, and then again in his *Quodlibet* III of Easter 1270.⁴³

The question Gerard addresses in his *Quodlibet* XIV, q. 1, is this: Who are the prelates who are in a more perfect state than are religious?⁴⁴ Gerard was evidently someone for whom arguments turn on crucial terms. The first argument he presents against his own position recapitulates the point about solemnity in Thomas's *Quodlibet* I.7.2[14], ad 2. Archdeacons, curates, and parish priests cannot be in a more perfect state than religious, because the state of perfection is given only with a solemnity of the Church: to bishops by solemn

⁴² The helpful metaphor of *leitmotif* as applied to Thomas's recurring themes is developed by David Berger in *Thomismus: Grosse Leitmotive der Thomistischen Synthese und ihre Aktualität für die Gegenwart* (Köln 2001), pp. 37–45.

⁴³ I base the chronology of this paragraph on Gauthier's annotation to III.6.3[17], 113–92.

⁴⁴ The text of this question is provided with the Leonine edition of Thomas's *De perfectione spiritualis vitae* (41: B56–62).

consecration and to religious by solemn vows.⁴⁵ And Gerard's first argument for his own position is a reflection on what he takes to be the analogical notion of *status vitae*: "Note that just as *status* of bodily life implies three things, so does *status* of spiritual life. First it implies straightness and uprightness; second, stability, permanence, and fixity; and third, size, or the height of a man."⁴⁶ Incidentally, all these senses are present in the English verbal noun "standing": standing as opposed to reclining, standing as opposed to moving, and standing in the sense of stature or height. The English word also carries the corresponding spiritual senses of *status* that Gerard identifies—"uprightness," constancy, and moral "stature." Gerard argues that *status* in all of these spiritual senses belongs perfectly to those who give themselves to care of souls, and who are therefore in a more perfect state than are religious.⁴⁷

In *De perfectione spiritualis vitae* Thomas calls this verbal argument "frivolous," saying that no one doubts the word *status* has these many senses, but that in the present context we are speaking of *status* in the sense in which the *Decretals* speak of the *status* of liberty or servitude, for instance when they say, "Whenever there is an appeal in a capital case or a case of *status*, it must be tried by themselves [i.e. the judges], not by investigators."⁴⁸ In this sense, the persons who take on a state of perfection are those who make themselves servants in order to perform deeds of perfection, and this can only occur by means of a vow of perpetual obligation, for servitude is the opposite of liberty, and as long as anyone has liberty to withdraw from the work of perfection, he does not have a state of perfection.⁴⁹

⁴⁵ "Questio est qui sunt prelati qui sunt in statu perfectiori religiosi. Non enim sunt archidiaconi nec curati nec plebani presbyteri, quia perfectionis status non datur nisi cum sollempnitate ecclesie; ideo episcopis datur per consecrationem sollempnem, religiosi per votum sollempne" (B56, ll. 4–9).

⁴⁶ "Circa primum nota quod sicut status vite corporalis implicat tria, et importat simpliciter hec eadem status spiritualis. Primo enim importat rectitudinem et erectionem; secundo stabilitatem, permanentiam et fixationem; tertio magnitudinem sive hominis longitudinem" (B57, ll. 57–62).

⁴⁷ B57–8, ll. 63–159.

⁴⁸ "Si quando in causa capitali vel causa status interpellatum fuerit, non per exploratores sed per se ipsos est agendum": *De perfectione spiritualis vitae* 27 (ed. Leonine 41: B103.34–6). The text was quoted earlier in *De perfectione* at Ch. 18 (B90, ll. 15–19). It will be quoted again in *Quodlibet* III.6.3[17].126–8, which glosses *exploratores* with *id est, procuratores*; and in *Summa theologiae* 2–2.183.1, sc (ed. Leonine 10: 445).

⁴⁹ *De perfectione spiritualis vitae* 41 (ed. Leonine 27: B103.23–44).

Gerard is very much a presence behind Thomas's *Quodlibet* III.6.3[17], which asks Whether the state of religious is more perfect than the state of parish priests and archdeacons. The response begins by establishing that the perfection of the spiritual life is measured by charity; that love has a transformative power by which the lover is in a way transported into the beloved; and that to have perfect charity is to be entirely transported into God by love, putting oneself and whatever belongs to oneself aside for the sake of God. It must be noted, says Thomas, that to be perfect is one thing, to be in a state of perfection another. And although *status* signifies many things—"straightness, firmness, and any other such things," he says, brusquely summarizing Gerard's argument—nevertheless when we say that someone is in a "state" of perfection we are taking "state" to mean "condition." For illustration he quotes the text from the *Decretals* he had quoted in *De perfectione spiritualis vitae*, as well as another maxim from the *Decretals*, that error concerning person, condition, or state is an impediment to matrimony, but error concerning wealth or quality is not. "State" being understood as "condition," then, those people are said to be in a state of perfection who subject themselves to servitude in order to accomplish deeds of perfection. Servitude is opposed to liberty, and liberty of doing whatever one likes is removed by the obligation of a vow, because "vowing pertains to the will, but payment to necessity, as was said above"—a backward reference to a quotation of Augustine five articles earlier (5.2[12].53–58). So inasmuch as he subjects himself to a necessity, one who binds himself to something by a vow in a way makes himself a servant by depriving himself of liberty. If he does so to perform a particular deed, he makes himself a servant in a certain respect; if he dedicates his whole life to God by a vow in order to perform deeds of perfection for God's sake, he makes himself a servant simply speaking and is placed in a state of perfection. Bishops and religious do this; archdeacons and parish priests do not (6.3[17].74–183).

Although Thomas calls Gerard's discussion of the literal sense of *status* "frivolous" in *De perfectione spiritualis vitae*, and dismissively summarizes it in *Quodlibet* III.6.3[17], it is apparently the basis for his final discussion of the meaning of *status* in *Summa theologiae* IIa–IIae, q. 183, a. 1, an article that is theoretical, not polemical, in tone. The argument here is that the very *ratio*, the essence, of *status* implies a condition of liberty or servitude. *Status* in the proper sense signifies

a distinctive natural arrangement of parts, such as uprightness in the human body, together with immobility or repose. (This is very close to the Aristotelian category *situs*.) By extension, something in human action is said to have *status* if it has a proper arrangement and stability. And among human beings *status* is not constituted by things that change easily and are extrinsic, such as the differences of rich and poor, noble and common; status is not the same thing as dignity. What pertains to human *status* is only what regards obligation of the human person, that is, whether one is under one's own command or that of someone else, and not because of something slight or easily changeable, but through something permanent. But this also pertains to the essence of liberty or servitude, and so properly speaking *status*, whether in civil or in spiritual matters, pertains to the difference between liberty and servitude.

There is, then, in Thomas's reflections on the notion of *status*, a development from *Quodlibet* I.7.2[14], obj. 2, to *De perfectione spiritualis vitae*, 18–30 and *Quodlibet* III.6.3[17], culminating in *Summa theologiae* IIa–IIae, q. 183, a. 1. But *status* also links the second group of *quodlibeta* to the *Summa* as an organizing theme. *Quodlibet* I divides questions on the good of grace into those pertaining to everyone (qq. 5–6), and those pertaining to clergy (q. 7) and religious (q. 8). *Quodlibet* III divides questions on human beings into those pertaining to persons of higher *status*, namely teachers (q. 4) and those in religious life (qq. 5–6); those pertaining to persons of lower *status*, namely the laity (q. 7); and those pertaining to everyone in common (qq. 8–12). *Quodlibet* IV divides questions on human acts by distinguishing acts pertaining to prelates (q. 8) and acts that can be common to everyone (qq. 9–11). And *Quodlibet* V divides questions on human beings into those on matters that can be common to everyone (qq. 5–10) and those on matters pertaining to the *status* of prelate (q. 11), teacher (q. 12), religious (q. 13), and clergy (q. 14). Since many of the questions asked in these subdivisions concern Thomas's own state as priest, religious, and master of theology, his responses to them have an inevitably self-referential aspect.

His last and greatest use of the topic of *status* as a principle of organization is in the *Summa theologiae*, in the basic division of the *secunda secundae* into questions on virtues pertaining to all human states (qq. 1–170) and those on virtues pertaining to certain determinate states and conditions (qq. 171–89), among them the state of perfection (qq. 184–89). Here the topic finds a home, as it were, and a

place of honor in the *ordo disciplinae* of theology as a whole, and the presentation of virtue in particular. Thomas's *quodlibeta* show how occasions of disputation helped him prepare for this important feature of the *Summa* by giving him opportunities to sharpen both his sense of the meaning of *status* and his sense of the place of the topic in the order of theological learning.

Questions on Teachers

While the second objection of I.7.2[14] concerns the religious state, and so draws attention to the anti-mendicant background of the question, the *status* principally at stake in the article is that of teacher. Thomas had presented his view of the harmony between the two statuses in the early chapters of *Contra impugnantes Dei cultum et religionem*, where he argued that it is permissible for members of religious orders to teach and belong to a secular college.⁵⁰ The question in I.7.2[14] is Whether someone who can devote himself to care of souls sins if he gives his time to study—that is, as the article makes clear, to the study of theology, for the sake of teaching it. After three arguments that such a person does sin, an argument to the contrary appeals to custom in place of an argument: *In contrarium inducebatur consuetudo pro ratione*. Thomas's *responsio* begins with two distinctions. One is that what is better simply speaking may not be so in a particular case. The other is that the *architector*, the director, in a process of building something is simply speaking better than a manual laborer who carries out work in a way that someone else has arranged for him to; thus in the construction of buildings the foreman, who does nothing with his hands, is paid more than are the manual laborers who chop wood and cut stones.⁵¹ In spiritual matters there is an analogous work of building, an “edification,” in which the “manual laborers” are those who concern themselves with individual care of

⁵⁰ Chapters 2–3 (ed. Leonine 41: A55–68). For the subject of this section, see also Marmursztejn's chapter below.

⁵¹ In an unusually long *adnotatio* to I.7.2[14].37 (remarked on by Torrell, *Initiation à saint Thomas d'Aquin*, p. 307, n. 43), Gauthier provides extensive and informative comment on the Greek background and scholastic history of the term *architector*. The note suggests and initiates a promising line of research: study of Thomas's *quodlibeta* from the point of view of their vocabulary.

souls by doing such things as administering sacraments, and the principal builders are the bishops, the *episcopi* or “overseers,” who command the others and arrange the way in which they are to carry out their offices. But teachers of theology are also principal builders here, for they investigate how to care for salvation of souls and teach others to do so. Simply speaking, then, it is better and more meritorious to teach sacred doctrine, if it is done with good intent, than to give individual care to salvation of souls; and it is better to give instruction in matters of salvation to those who can use it to both their own advantage and that of others, than to give it to the simple, who can use it only for themselves. In case of imminent necessity, however, even bishops and teachers should set aside their proper business and concern themselves with individual salvation of souls (II. 24–70). The second objection had assumed that individual care of souls is better than the study and teaching of theology, but as this main argument shows, Thomas takes it that his *status* as teacher of theology is superior to the *status* of those who merely administer the sacraments, and that it puts him on a par with bishops. In his first *quodlibet* he implicitly placed himself, as a mendicant devoted to spiritual work, above the requirement to do manual labor (VII.7.2[18]); his implicit placing of himself here, as a teacher of theology, above the work of the “manual laborers” in the business of salvation thus resonates metaphorically with the earlier *quodlibet*.

This article and others about teachers in the *quodlibeta* are important records of Thomas’s encounters with audiences. They show how pointed the questions asked at a quodlibetal session could be and how self-referential they could make the whole quodlibetal procedure. They also show Thomas answering the questions with characteristic clarity and precision, and in the process making valuable statements about the point of view of his work as a teacher and author, not just in the *quodlibeta*, but in general. Consider the two *quaestiones* in the second series of *quodlibeta* devoted to the *status* of teacher:

Quodlibet III.4

- 1[9] Whether it is licit for someone to seek for himself a license to teach in theology
- 2[10] Whether the hearers of different masters of theology who have contrary opinions are excused from the sin of error if they follow the false opinions of their own masters

Quodlibet V.12

- 1[24] If a teacher has always preached or taught principally for vainglory, whether he may have the *aureola* if he repents at death

2[25] If some have been called away from a better good by the teaching of some teacher, whether the teacher is bound to revoke the teaching

The first and third of these articles concern moral dispositions of teachers at the beginning and end of their careers respectively; the second and fourth concern moral responsibilities of students and teachers, respectively, in relation to one another. Let us take the four articles in that order.

Is it permissible to seek for oneself a license to teach theology (III.4.1[9])? Thomas takes the occasion of this question to return to a comparison of teachers and bishops, this time to contrast the magisterial and the episcopal chairs.⁵² Both are positions of eminence, he says, but the former has an eminence of knowledge or wisdom, the latter an eminence of power, and so there are three differences between them. The first is that one who receives a magisterial chair receives no eminence that he does not already have, but only opportunity for sharing knowledge that he does have, for the one who gives the licence does not give knowledge, but only authority to teach; but one who receives an episcopal chair does receive an eminence of power that he did not have before, and with respect to which he was previously no different than anyone else. The second difference is that the eminence of knowledge required for a magisterial chair is a perfection of a man in himself, but the eminence of power that pertains to the episcopal chair belongs to a man in relation to others. And the third is that a man is made suitable for the episcopal chair by outstanding charity, but for the magisterial chair by sufficient knowledge. To desire something, such as wisdom, that pertains to one's perfection is evidently praiseworthy, but to desire power over others pertains to vice. If, then, the one who gives the license for the magisterial chair *could* give eminence in wisdom in the way that the one who makes promotion to the episcopal chair *does* give power, the magisterial license would be simply speaking something one ought to seek; it is disgraceful to seek excellence of power, but praiseworthy to seek excellence of wisdom. But since the

⁵² "Episcopal" translates both *episcopalis*, which occurs only once in the article (II. 50–1), and *pontificalis*, which is the more usual term here (II. 45, 57, 59, 76–7). Cf. *pontificatum* (II. 94–5, 100), and *pastoralis* (I. 118).

one who receives the magisterial chair receives merely opportunity for sharing what he already has, a distinction is needed. In itself, the seeking of a license to teach has nothing disgraceful about it, because to share one's knowledge with others is praiseworthy and charitable; but it can be made disgraceful by presumption if one who is not fit to teach seeks a teaching office. But presumption in seeking a license to teach is different from presumption in seeking an episcopacy, for one can know with certitude that he has the knowledge by which he is suited to teach, but one cannot know with certitude that he has the charity by which he is suited for pastoral office. Therefore to seek an episcopacy always pertains to vice, but to seek a license to teach does not always pertain to vice, although it is *honestius*, more seemly, if someone other than the candidate makes the request for the license, unless there is some special reason (ll. 41–104). This conclusion sounds a personal note: fourteen years earlier Thomas had been awarded the *licentia docendi* by the chancellor of the University of Paris when he was below the required age, and he had accepted obediently but reluctantly. There is also evidence to suggest that towards the end of his life he may have refused an episcopacy.⁵³

If the temptation of presumption is a moral danger for one seeking a license to teach, the related vice of vainglory may be a motive of teaching itself.⁵⁴ Can one who has always taught out of vainglory earn the *aureola* through repentance (V.12.1[24])? The *aureola* or “little golden crown,” according to an allegorical interpretation of *Exodus* 25:25 begun by Bede and completed by Bonaventure, is a special heavenly reward for teachers, martyrs, and virgins, in addition to the *aurea*, the golden crown that is the “essential” reward of all the blessed. (See Gauthier's note at the beginning of Thomas's article.) Thomas answers that since the *aureola* implies a distinctive superiority, it presupposes the *aurea*, “as the comparative presupposes the positive.”

⁵³ On his acceptance of the *licentia*, see Weisheipl, pp. 94–6, and Torrell, *Initiation à saint Thomas d'Aquin*, pp. 73–4. On the offer of an episcopacy, see E.A. Synan, “Bonaventure and Aquinas on Monks and Friars,” in *Roma, Magistra Mundi: Itineraria Culturae Mediaevalis. Mélanges offerts au Père L.E. Boyle à l'occasion de son 75^e anniversaire* II, J. Hamesse, ed. (Louvain-la-Neuve 1998), pp. 895–7.

⁵⁴ *Summa theologiae* 2–2.21.4 (ed. Leonine 8: 159) argues that the presumption of relying on one's own powers is caused by vainglory.

(In a note to line 34 Gauthier indicates that this maxim is from Priscian's *Institutes of Grammar*.) Someone who does not merit the *aurea*, the essential reward, certainly does not merit the additional *aureola*; and someone who has always acted out of vainglory does not merit the former, and so does not merit the latter. Repentance restores to a man the merits he had before, but does not confer on him those he did not have, except to the extent that repentance itself is meritorious. So a teacher who has always taught out of vain-glory cannot merit the *aureola* through repentance (ll. 31–45). The special reward of teaching can only be earned in performance of the office.

With respect to the responsibility of students, it is asked Whether hearers of different masters who hold contradictory opinions are excused from the sin of error if they each follow the opinion of their own master (III.4.2[10]). The question is logically interesting: What if Thomas's response should differ from that of another master? He says that if the differing opinions do not pertain to faith and good morals, hearers may follow either opinion without danger, but that in matters that do pertain to faith and good morals no one is excused if he follows a master's erroneous opinion, for otherwise followers of heretics would be excused. Nor can a hearer be excused by his simplicity, for one should not lightly give assent in doubtful matters, but rather, as Augustine says in *De doctrina christiana*, follow "the rule of faith" as given by "the plainer passages of scripture and the authority of the Church." So one who assents to the opinion of a master against the evident witness of scripture, or against what is publicly held according to the authority of the Church, cannot be excused from the sin of error (ll. 17–40). *Quodlibet* III was held at Easter 1270. One wonders whether the questioner and Thomas had a particular erroneous opinion in mind, perhaps one of the thirteen propositions that would be condemned by the bishop of Paris on 10 December of the same year.

We again have the sense of an unstated particular issue behind a general question in the article on the responsibility of teachers towards their students. The questioner indulges in a bit of word-play: If students have been called away (*reuocentur*) from a better good by a teaching, is the teacher bound to call back (*reuocare*) his teaching (V.12.2[25])? The background and import of this question can be clarified by a look at John Pecham's *Quodlibet* I, q. 30 (from Lent

session, 1270), which Thomas had before him as he composed his answer. (See Gauthier's note at the beginning of Thomas's *Quodlibet* V.12.2[25].)

The question put to Pecham was Whether a presumptuous teacher who teaches a pernicious doctrine by which many are drawn away from a good that has been proposed to them is obligated to stop teaching it and compensate for the losses of those he has injured. As soon becomes clear, the good in question is religious poverty, and the presumptuous teachers are anti-mendicants. Pecham builds his answer on a complex distinction and many authoritative quotations. He says that one who teaches a pernicious doctrine teaches either a false doctrine, an ambiguous or amphibolous one, or a true doctrine that is accidentally pernicious or is unnecessary. (1) If it is false, the teacher is condemned by scripture and the Gloss, which speak in particular against "those who attack poverty." Whoever says that the young are not obligated—presumably by their vows to religious poverty—poisons the hearers and wounds members of religious orders with the blow of his falsehood. (2) If what is taught is ambiguous, the teachers are bound to clarify the ambiguity, for otherwise they lead into error just as much as if they taught falsehood. For example, to say, without making a distinction, that the prelacy is a greater state of perfection than religious life is ambiguous, and in one sense false. If it is a statement about perfection to be acquired, religious life is a greater state of perfection; if it is about perfection to be exercised, prelacy is a state of perfection, but it is common to religious life and the secular state. By speaking in a confused way of the state of perfection these people lead others into error by a threefold ambiguity: they give one to understand that the prelacy is a state of perfection to be acquired and that there is no prelacy in religious life; and they do not say that a prelate taken from a religious order is in a more perfect state than one taken from the secular clergy, since the former, by reason of his original state, is bound by the counsels of perfection, but the latter is not. (3) Finally, the pernicious teaching may be true, but an occasion of evil. For example, someone may wonder whether it is licit to have wealth and whether it is licit to licitly enjoy bodily pleasures under the law of God; when these things are praised before the simple, who are prone to them, the latter are easily turned away from repentance. Or again, when true but excessively subtle things are said before the simple, such

teaching should be stopped, and restitution made to those who have been misled.⁵⁵

Thomas's *Quodlibet* V.12.2[25] repeats two of Pecham's quotations, one from Augustine in an opposing argument ("Sin is not forgiven unless what was taken has been restored") and one from Gregory in the *sed contra* ("The truth of a teaching should not be dismissed because of scandal"). But Thomas's article is less reliant on quotation as well as briefer than Pecham's; it simplifies Pecham's distinction, considering only whether the doctrine in question is true or false; and its example of a false doctrine is not one that leads people away from religious life, but one that leads them *into* it, for example by promising that someone who enters a religious order will immediately be equal in merit to St Peter. In such a case the teacher is altogether bound to revoke the teaching, especially if spiritual loss

⁵⁵ "Docens doctrinam perniciosam, aut docet doctrinam falsam, aut doctrinam ambiguum vel amphibolicam, aut doctrinam veram sed per accidens perniciosam, aut non necessariam.—Si falsam, contra ipsum fertur sententia Deut. 27,18: *Maledictus qui errare facit caecum in itinere*. Glossa: Facit errare 'falsa suggerendo'. *Et dicit omnis populus: Amen*. Et illud dicitur specialiter contra impugnatores paupertatis. Unde immediate sequitur: *Maledictus qui pervertit iudicium pupilli et viduae*. Glossa: *Tibi derelictus est pauper*. Matt. 5,19: *Vae qui solverit unum de mandatis istis minimis et docuerit sic homines, minimus vocabitur in regno caelorum*. Glossa: 'Minima sunt crux Christi passio', quam solvent qui falsis dogmatibus a cruce avertunt, dicendo quod non possunt ad crucem poenitentiae obligari. In cuius figuram dicitur Exod. 21,28: *Si bos cornu percusserit virum aut mulierem et mortui fuerint, lapidibus obruetur*. 'Cornu' hic intelligitur 'effrenatus sermo vel actus'. Et sequitur: *Et non comedentur carnes eius*. Qui ergo dicit, quod iuvenes non sunt obligandi, falsitatis impetu venenat audientes et laedit religiosos...—Amplius si est ambiguum quod docetur, tenentur doctores ambiguitatem elucidare, quia non elucidando sic in errorem mittunt acsi falsum dicerent. Verbi gratia, qui dicunt indistincte quod praelatio est status perfectionis magis quam religio, haec est amphibolica et uno sensu falsa. Quoniam si sit sermo de perfectione acquirenda, religio est magis status perfectionis. Si de perfectione exercenda agatur, sic praelatio est status perfectionis; et tamen communis est praelatio religioni et statui saeculari. Quia igitur confuse loquuntur de statu perfectionis, triplici amphibolia inducunt errorem: dum dant intelligere quod praelatio sit status perfectionis acquirendae, et etiam quod praelatio non sit in religione, et tertio dum non dicunt quod praelatus a religione assumptus perfectior est secundum statum quam assumptus de saeculo. Quia primus de ratione primi status tenetur ad consilia, non secunda...—Amplius si sit vera sed tamen occasio mali. Verbi gratia, quis dubitat an licitum sit habere divitias et an licitum sit etiam uti licite deliciis corporalibus sub lege Dei. Sed quando ista commendantur coram simplicibus, quia proni sunt ad haec, faciliter a poenitentia avertuntur. Vel etiam quando vera sed nimis subtilia coram simplicibus dicuntur, talis doctrina intermittenda est..." Ioannes Pecham, *Quodlibeta Quattuor*, eds. G. Etzkorn and F. Delorme (Bibliotheca Franciscana Scholastica Medii Aevi, 25) (Grottaferrata 1989), vol. I, q. 30, pp. 62–63.13–61.

follows from it, as happens to one who enters religious life because of an error. But even a true teaching can lead to spiritual harm in the hearers, whether because of defect in the teacher or defect in others (ll. 22–57). It is not clear whether these others are the hearers or other people who perhaps misinterpret the teaching; the text is corrupt at this point (ll. 53–57). But the remarks on defect in the teacher are well preserved, and they will sound familiar to anyone who has read the prologue of the *Summa theologiae*.

Summa theologiae I, Prologue

Quia Catholicae veritatis doctor non solum provectos debet instruere, sed ad eum pertinet etiam incipientes erudire, secundum illud Apostoli I ad Corinth. III, *tanquam parvulis in Christo, lac vobis potum dedi, non escam*; propositum nostrae intentionis in hoc opere est, ea quae ad Christianam religionem pertinent, eo modo tradere, secundum quod congruit ad eruditionem incipientium. Consideravimus namque huius doctrinae novitios, in his quae a diversis conscripta sunt, plurimum impediri . . . partim etiam quia ea quae sunt necessaria talibus ad sciendum, non traduntur secundum ordinem disciplinae, sed secundum quod requirebat librorum expositio, vel secundum quod se praebebat occasio disputandi; partim quidem quia eorundem frequens repetitio et fastidium et confusionem generabat in animis auditorum . . .

Quodlibet V.12.2[25], ll. 33–45

. . . Vno modo ex defectu ipsius qui docet. <Et hoc dupliciter>. Vno modo quia doctrinam subtilem et altam proponeret rudibus, qui non essent illius doctrine capaces, qui ex hoc detrimentum salutis incurrerent; contra exemplum Apostoli, qui dicit, I ad Corinthios III: *Tanquam parvulis in Christo lac potum dedi vobis, non escam*.—Alio modo, quia confuse et inordinate proponit, non preferens maiora minoribus, contra id quod Gregorius dicit in Pastoralibus: *Sic laudanda sunt bona summa ne desperentur ultima, sic nutrienda sunt bona ultima ne, dum sufficere creduntur, nequaquam tendatur ad summa*.

Both passages quote I *Corinthians* 3:1–2 as pertinent to the teaching of beginners or the simple, and both express concern for order and for the danger of confusion: the *Summa* mentions the order of learning and the confusion produced by repetitiveness, the *quodlibet* the confused and disorderly procedure of not putting the more important ahead of the less important (*non preferens maiora minoribus*). The apparent sequence of events behind these texts is interesting. I assume that, as seems likely, Thomas wrote the prologue of the *Summa* when he began to write the *Summa* in Rome in October 1265; as his introduction to his most important work, in which he presents his task of teaching beginners, it is certainly one of his most significant statements of his intention with respect to his written work.⁵⁶ When he returned to Italy three years later, in September 1268, he, with his fellow Dominicans and his Franciscan fellow mendicants, faced new attacks by seculars on religious life, including the charge that mendicants were improperly luring young men to join their orders; Thomas's later *quodlibeta* reflect these attacks at two main points, namely III.5 (Easter 1270) and IV.12 (Easter 1271). But the issue is also present in the question about presumptuous teachers asked of Pecham in late 1270 and of Thomas in late 1271: Ought such teachers to retract their teachings? Pecham said Yes, identifying as teachers of false doctrine those who attack poverty and dissuade the young from joining religious life, and mentioning the danger of teaching true but excessively subtle things to the simple. A year later, having been asked the question himself and having read Pecham's answer, Thomas also said Yes, and he imitated Pecham's answer in part, but with additions that suggest he was qualifying what Pecham said. As a counterbalance to Pecham's criticism of "the attackers of poverty," he pointed out that some who induce people to join religious life *are* teachers of falsehood. And as a complement to Pecham's brief reference to excessive subtlety before the simple he added the scriptural text with which he had begun the *Summa theologiae*, as well as allusions to the dangers of confusion and disorder, which he had also mentioned in the prologue to the *Summa*. In answering the question posed in V.12.2[25], then, while keeping in mind his questioner,

⁵⁶ For further comment on the prologue, see L. Boyle, "The Setting of the *Summa Theologiae* of St. Thomas—Revisited," in *The Ethics of Aquinas*, pp. 8–9, and my "St. Thomas Aquinas on Prologues," *AFH* 98 (2005), pp. 812–13.

his audience, and his fellow mendicant Pecham, he also seems to have remembered his prologue of six years before, and its theme that a clear and orderly style is especially required when speaking to the uninstructed.

Authorities

Still another question on teaching occurs in *Quodlibet* IV, in a division on “human acts pertaining to the intellective power”: Whether a master should use *ratio* or *auctoritas*, rational argument or authoritative quotation, in determining theological questions (9.3[18]). The article devoted to this question is distinguished by having *loca parallela* near the beginnings of Thomas’s great theological works: in his commentary on the prologue of the *Sentences*, in the early chapters of the *Summa contra gentiles*, and in the first *quaestio* of the *Summa theologiae*.⁵⁷ As the locations of these parallels indicate, comparison of argument and authority is among the first of Thomas’s procedural considerations when he is raising his own questions in his comprehensive works, just as it is a primary consideration of scholastic thought in general. *Quodlibeta* provide a unique forum for interplay between argument and authority, and sometimes, as in IV.9.3[18], unique occasions for reflection on them; Thomas takes the question here as an opportunity to compare them in light of the ends of disputation.

Whether a master should use *auctoritas* or *ratio* in deciding questions is another logically interesting, self-referential question: Which procedure should be used in deciding *it*? The article opens with an argument in favor of authority: the first principles of faith are the articles of faith, which are known by means of authorities; therefore theological questions are determined above all by authorities (ll. 5–10). An argument *sed contra* then quotes an authority in support of argument, *Titus* 1:9, a text also quoted in parallel passages, about a bishop who holds fast to the word he has been taught “that he may be able by sound doctrine both to exhort and to refute (*conuincere*) gainsayers”; the *sed contra* adds that gainsayers are better refuted by arguments than by authorities, and concludes that questions should

⁵⁷ *In 1 Sent.*, Prol., 1.5 (ed. Mandonnet-Moos 1: 16–19); *Summa contra gentiles* 1.2, 9 (ed. Leonine 13: 6, 22); *Summa theologiae* 1.1.8 (ed. Leonine 4: 21–2).

be determined accordingly (ll. 11–16).⁵⁸ The *responsio*, which explains the sufficiency of authorities in some disputations and the need for or desirability of arguments in others, cites no authority.

The *responsio* begins with the principle that an act should be performed in a manner suitable to its end. But disputation can have two ends. One is to remove doubt about whether something is so, and in a theological disputation of this kind one should above all use authorities accepted by those with whom one is disputing. If it is with Jews, one should cite texts of the Old Testament; if with Manicheans, who reject the Old Testament, one should use only texts of the New Testament; if with schismatics such as “the Greeks,” who accept the Old and New Testaments but not the teaching of “our saints,” one should dispute on the basis of the Old and New Testaments and those teachers they do accept; and if with those who accept no authoritative text, one must take refuge in *rationes naturales*, arguments of natural reason, in order to refute them (ll. 17–36). The sequence of interlocutors is interesting: Jews, Manicheans, Christian Greeks, and then others, presumably including Muslims. But although Muslims seem to be among those said to accept no *auctoritas*, they do have a book they hold sacred. In the context, then, *auctoritas* must mean not just a source taken to be authoritative, but one that has legitimate authority, and the only possibilities that seem to be allowed for are the Old and New Testaments and “the teaching of the saints.”

The other kind of disputation is “magisterial disputation in the schools,” the purpose of which is not to remove error, but to instruct hearers so that they might be led to an understanding of truth that they already believe. Here one should rely on rational arguments that investigate the “root” of truth and make known *how* what is said is true; otherwise, if a master determines a question with “bare authorities,” *nudis auctoritatibus*, the hearer will be assured that the matter is so, but will acquire no knowledge or understanding and will go away empty (ll. 37–46). Rational argument, then, is required in two opposite cases, that of unbelievers, who accept none of the authorities and so must be refuted by rational argument if at all, and that of believers, who accept all of the authorities and who can and should be led by rational argument to at least some understanding

⁵⁸ On “refute” as the meaning of *convincere*, see Gauthier’s introduction to *Sententia libri De anima* (ed. Leonine 45.1), pp. 290*–3*.

of what they believe. Since *quodlibeta* themselves are cases of “magisterial disputations in the schools,” here one of Thomas’s *quodlibeta* states the end of his *quodlibeta* and of *quodlibeta* in general: to determine questions by magisterially adding *ratio* to *auctoritas* in order to lead hearers to an understanding of what they believe.⁵⁹

Several questions in Thomas’s *quodlibeta* are direct requests for commentary on the authorities mentioned in IV.9.3[18]. Some are about scriptural passages: Did Peter sin mortally in denying Christ (IX.7.1[14])? Did Christ die on the cross (I.2.2[3])? Is sin against the Holy Spirit unforgivable (II.8.1[15])? Is the rainbow a sign that there will be no future deluge (III.14.1[30])? Are there waters above the heavens (IV.2.2[3])? Was St Matthew called immediately from the state of money-changer to the apostolic state of perfection (V.11.1[21])? Other questions are about passages in Augustine, who is in the *quodlibeta*, as in Thomas’s work in general, the most often quoted of the saints mentioned in IV.9.3[18]: Is the *noticia* that Augustine calls “the offspring of the mind” an accident (VII.1.4[4])? Is the time in which God moves the spiritual creature according to Augustine the same as the time that measures the movement of bodily things (II.3.a.un.[5])? Another question brings to the fore Augustine’s role as expositor of scripture: Is the number six, according to which all creatures together are said to be perfect, the Creator or a creature (VIII.1.1[1])?—a request for commentary on scripture via clarification of a passage in Augustine’s *Literal Commentary on Genesis*.

Besides scripture and Augustine, one other source is referred to in the question-titles of Thomas’s *quodlibeta*, namely the quasi-authoritative Peter Lombard, who is the “Master” mentioned in the question asked in X.1.1[1]: Whether unity signifies something in the divine positively and not, as the opinion of the Master has it (in *I Sentences*, d. 24), merely privatively (*remotive*). This opinion is one of eight propositions of Lombard that Bonaventure reports were condemned by the mid-thirteenth century masters in theology, but here Thomas, as he had done in his commentary on Lombard’s *Sentences*, breaks ranks with his colleagues and defends Lombard’s position on

⁵⁹ Bonaventure (*In I Sent.*, Proem., q. 1) speaks of “addition” in this connection in a passage quoted by Synan, “Brother Thomas, the Master, and the Masters,” p. 224, n. 27: “... et sic est credibile, prout tamen credibile transit in rationem intelligibilis, et hoc per additionem rationis; et hoc modo, proprie loquendo, est subiectum in hoc libro.”

the question.⁶⁰ Thomas's *quodlibeta* include three other questions touching on condemned propositions of Lombard, although Lombard is not mentioned in any of the three; in these cases Thomas sides with his colleagues against Lombard. Is food transformed into the truth of human nature? Lombard had said not (*II Sentences*, d. 30, q. 15), but Thomas, in the longest of his quodlibetal articles not having to do with mendicant controversies, disagrees (*VIII.3.a.un.*[5]).⁶¹ Did an angel merit its beatitude? Lombard had maintained that the angels became meritorious not by the grace they received at their confirmation in grace, but by subsequent services shown to us human beings out of obedience to and reverence for God (*II Sentences*, d. 5, q. 6). Thomas objects that it seems unfitting for merit to follow reward, since it is rather a disposition to reward (*IX.4.3*[8].49–51). Was Christ the same man during the triduum of his death? Lombard had said that He was, in a special sense (*III Sentences*, d. 22, q. 1), but Thomas argues that He was lacking the wholeness that belongs to human nature (*II.1.1*[2]). Like the questions on passages in scripture and in the writings of Augustine, these questions are in effect requests for textual commentary. The intricate perspective of the *Sentences* commentary, in which Augustine is seen as presented by Lombard and scripture is seen largely as interpreted by Augustine, is readily adopted in the *quodlibeta*. Altogether Lombard's *Sentences* is referred to in seven articles.⁶² The naturalness with which it is mentioned in both objections and responses reflects the fact that it is the professional handbook, so to speak, of participants at *quodlibeta*, and therefore a basic source of their language, questions, and ways of thinking. As a theological genre the *quodlibet* form turned out to be a natural extension of the *Sentences* commentary, freeing readers of the *Sentences* from the onus of having to expound systematically, from the beginning, every distinction in Lombard's text, and allowing them to jump into the text anywhere,

⁶⁰ Bonaventure lists the eight propositions in *In 2 Sent.*, Proem., and d. 44, dubium 3 (*Opera omnia* II, Quaracchi 1882–1902, pp. 2, 1016). In “Brother Thomas, the Master, and the Masters,” Synan discusses Thomas's responses (primarily in his *Sentences* commentary and *Summa theologiae*) to each of the eight propositions. On the question concerning unity in the divine, see pp. 230–2; on the three questions I mention next, see pp. 232–7.

⁶¹ For the background and wider context of this article see P.L. Reynolds, *Food and the Body: Some Peculiar Questions in High Medieval Theology* (Studien und Texte zur Geistesgeschichte des Mittelalters, 69) (Leiden-Boston-Köln 1999). Reynolds discusses Thomas's quodlibetal article on pp. 377–82.

⁶² *IX.2.1*[2].69–70; *X.1.1*[1].9; *X.3.1*[5].20–2; *I.4.3*[8].6–8, 88–90; *II.7.2*[14].22–5; *IV.11.1*[21].10–12; *XII.14. a.un.*[23].37–8.

following their own interests rather than the rigorous demands of Lombard's order of topics. The *quodlibet* even replaced the *Sentences* commentary as the preferred forum of discussion with respect to at least one topic: around 1269, the time of Thomas's *Quodlibet* I, "the quodlibetal question replaces the commentary on Lombard's *Sentences* as the primary place for discussing the natural love of God."⁶³

Apart from such commentary-questions, there are other questions that allow Thomas to speak about the nature of his authorities, for instance those in the first *quodlibet's quaestio* on the senses of scripture. According to Gauthier these questions were suggested by discussion of a question concerning punishment of the bodies of the damned in Hell: Should the "worms" and "weeping" mentioned in scripture be taken to be bodily (VII.5.3[13])? Arguing that they should, an objection quotes *Judith* 16:21: "He will give them fire and worm in their flesh," which seems to imply corporeal punishment (ll. 5–9). Thomas answers that the expression is figurative (*tropica*), and that by "flesh" we may understand the carnal souls of the impious (ll. 43–45). At this, Gauthier says (pp. 58*–59*), it would have been natural for someone to raise the general issue of the senses of scripture, and in any case someone, or perhaps more than one person, did ask three questions on the subject: Whether, in addition to the literal sense, other, spiritual senses are hidden in the words of sacred scripture; Whether four senses of scripture are to be distinguished, namely the historical or literal, the allegorical, the moral, and the anagogical; and Whether these senses should also be distinguished in other writings (VII.6.1–3[14–16]). In answering these questions, Thomas proceeds as he does in parallel passages, defending the traditional distinction between a literal and three spiritual senses, and arguing that scripture is unique in having all four senses. But the division of the issue into three distinct questions is unparalleled in his work, and the third question in particular is unusual in pressing the point about writings other than scripture. Elsewhere he makes the assertion that merely human writings have only a literal sense in passing, within the larger argument about scripture; here the questioner has forced him to argue for it separately.⁶⁴

⁶³ T.M. Osborne, Jr., *Love of Self and Love of God in Thirteenth-Century Ethics* (Notre Dame, IN, 2005), p. 83; Osborne is discussing *Quodlibet* I.4.3[8] (pp. 83–5) and its *loci paralleli* (pp. 70–86).

⁶⁴ The closest parallel to VII.6.3[16] in the Thomistic corpus is *In ad Galat.*, c. 4, l. 7 (ed. Parma 13: 422).

He does so by saying that a spiritual sense of scripture is based on the fact that things in running their course signify something other than themselves, something understood in one of the spiritual senses. But to direct things in their course in such a way that someone can take this kind of significance from them belongs to God alone, who governs things by His providence. Just as a human being can use words or poetic comparisons—*similitudines fictas*, an expression that occurs nowhere else in Thomas's work—to signify something, so God uses the very course of things, which are subject to His providence, to signify something. But to signify something by means of words, or by comparisons directed exclusively to signifying, produces only a literal sense. (Thomas's distinction between literal and spiritual senses cuts across our distinction between literal and metaphorical.) Therefore in no *sciencia* found out by human diligence is there properly speaking any sense other than a literal one.⁶⁵ (Note the interchangeability of *scriptura* and *sciencia*, "writing" and "knowledge.") This happens only in the writing of which the Holy Spirit is the author and man just the instrument (VII.6.3[16].25–44). Incidentally, the question that Thomas here explicitly answers in the negative will be implicitly answered in the affirmative a couple of generations later, in a letter, possibly by Dante himself, claiming that the *Divine Comedy*, which is certainly non-scriptural and presumably a work of merely "human diligence," contains the fourfold sense attributed by tradition and Thomas to scripture alone.⁶⁶

The other kind of *auctoritas* mentioned in IV.9.3[18] is that of the *doctores*, divided into "our" saints and teachers accepted by "the Greeks," that is, the Latin and Greek Fathers respectively. But greater

⁶⁵ A further point is that Thomas thinks a text may have more than one literal sense, as M.F. Johnson shows in "Another Look at the Plurality of the Literal Sense," *Medieval Philosophy and Theology* 2 (1992), pp. 117–41, pointing out that *Quodlibet* VII.6.1[14], ad 5, for example, explicitly allows for the possibility (pp. 125–6).

⁶⁶ "Ad evidentiam itaque dicendorum sciendum est quod istius operis non est simplex sensus, ymo dici potest polisemos, hoc est plurium sensuum; nam primus sensus est qui habetur per litteram, alius est qui habetur per significata per litteram. Et primus dicitur litteralis, secundus vero allegoricus sive moralis sive anagogicus": Dante Alighieri, *Epistole* XIII, 20, in *Opere Minore*, eds. P.V. Mengaldo *et al.* (Milan-Naples 1973), vol. II, p. 610. On the question of authenticity see R. Hollander, *Dante's Epistle to Cangrande* (Ann Arbor 1993); and A.R. Ascoli, "Dante after Dante," in *Dante for the New Millennium*, T. Barolini and H.W. Storey, eds. (New York 2003), pp. 349–68.

than their authority, as II.4.2[7] makes clear, is that of Church custom, *consuetudo ecclesie*, which is cited in several arguments *sed contra* in the *quodlibeta*.⁶⁷ The question in II.4.2[7] is Whether children of Jews should be baptized if their parents are unwilling. Thomas says that Church custom has supreme authority and should be followed in all matters, because the very doctrine of Catholic teachers gets its authority from this custom; therefore one should stand on the custom of the Church rather than on the authority of Augustine, Jerome, or any doctor whatsoever. But despite having had powerful Catholic princes such as Constantine, the Church has never had the practise of baptizing children of Jews if their parents were unwilling. The authority of custom settles the matter, then; but in keeping with his argument in favor of arguments in IV.9.3[18], Thomas adds two arguments for this particular custom. One is that if children who do not have the use of reason receive baptism, after they have grown up they might easily be persuaded by their parents to abandon what they received in ignorance, which would be detrimental to the faith. The other is that such a practise would be contrary to natural justice, for a child naturally belongs to his parents, and between birth and his use of free choice he is under the care of his parents in a sort of “spiritual womb,” *sub quodam spirituali utero* (ll. 58–112). This striking metaphor (at ll. 90–91) occurs only once more in the Thomistic corpus, in the article of the *Summa theologiae* that is devoted to the same question (IIa–IIae, q. 10, a. 12), and that simply repeats the text of II.4.2[7].⁶⁸ Thomas’s transcription of the quodlibetal article into the *Summa* without alteration is suggestive, but of what? It has been said that “the fact that the text of a quodlibetal question, which supposedly reflects a genuine university debate, can be fitted so seamlessly into the *Summa* makes one wonder what, if anything, such texts can tell

⁶⁷ For example, to establish that only a bishop may confer the sacrament of confirmation (XI.7[7].33); that a priest with a prebend in two churches need not say the office in both churches on days when the offices are different (I.7.1[13].27); that, as we have seen, one who can devote himself to care of souls does not sin if he devotes his time to study (I.7.2[14].22–3); and that clergy do not sin mortally if they do not give alms from what they have of surplus (VI.7[12].40–1). The authority of custom is of course circumscribed by natural or divine law, as Thomas says in his negative response to the question Whether one is freed from the obligation to pay tithes by lapse in custom (II.4.3[8].17–19).

⁶⁸ The term *uterus spiritualis* also occurs, but with a different, scriptural meaning, in *Super Evangelium Sancti Ioannis Lectura* 3.1 (Torino-Rome 1952), p. 86, n. 439.

us about the actual course of such debates.”⁶⁹ But perhaps it is more pertinent to wonder whether Thomas did not regard his *quodlibeta* as a possible source of material for constructing parts of the *Summa*—if not usually a source of entire articles, then at least a source of arguments, distinctions, or phrases. Conversely, as he finalized the articles in his second series of *quodlibeta*, might he not have done so with an eye to the possible use of at least some of their details in the *Summa*? From this point of view the *Summa*’s *ordo disciplinae* appears as a master form of teaching and learning in relation to which Thomas’s other work, and in particular his *quodlibeta*, stands as potential material.

To return to the saints mentioned in IV.9.3[18], the final *quodlibet* includes a question about *doctores sancti*, the holy doctors or teacher saints: Is everything they say from the Holy Spirit (XII.16.a.un.[27])? Thomas takes these teachers primarily as expositors of scripture; he answers that it is the same Spirit Who both produces and expounds scripture, especially with respect to what pertains to faith, which is why interpretation of speech is among the gifts of the Holy Spirit mentioned in I *Corinthians* 12 (ll. 22–28). In response to the argument that the holy doctors sometimes disagree, he compares them to prophets. Sometimes things are hidden from rather than revealed to prophets by the Holy Spirit, and sometimes prophets speak merely on their own behalf; likewise, whatever is contained in scripture must be held to be true, but its expositors have said many things on the basis of their own understanding or concerning things other than faith, and to this extent they may have erred. On the other hand, what the expositors say does not induce necessity of believing them; only the canonical scripture of the Old and New Testaments is compelling in this way (ll. 29–49).

In IX.7.2[15], the opinions of two lower kinds of quasi-authoritative sources, jurists and theologians, are brought to bear on the question Whether it is a mortal sin for one who does not have care of souls to hold several prebends without a dispensation. Thomas begins by saying that it is perilous to determine any question in which what is asked about is mortal sin unless one has explicit truth on the matter, because the error by which one believes that what

⁶⁹ J.Y.B. Hood, *Aquinas and the Jews* (Philadelphia 1995), p. 133, n. 32. For discussion of the text common to *Quodlibet* II.4.2[7] and *Summa theologiae* 2–2.10.12, see Hood, pp. 88–101, and Boureau and Marmursztejn, “Thomas d’Aquin et les problèmes de morale pratique,” pp. 694–9.

is a mortal sin is not one does not excuse conscience altogether, although it does to a great extent, but the error by which one believes that what is not a mortal sin is one binds the conscience to sin if one performs the act. Deciding such questions is especially dangerous where the truth is ambiguous, as in the present case, in which the question pertains both to theologians inasmuch as it depends on divine or natural law, and to jurists inasmuch as it depends on positive law; but on this question theologians are opposed to theologians and jurists to jurists (ll. 57–71). Divine law does not explicitly and clearly decide the matter (ll. 73–77). Natural law regards possession of several prebends not as always wrong nor as indifferent, but as something that can be made good or bad by circumstances: good by needs of the Church, bad by low motives in the one holding the prebends (ll. 77–141). It is clear that the practise is forbidden by ancient positive laws, but also that custom is contrary to this prohibition, and jurists disagree as to whether custom has abrogated the ancient laws. Thomas closes by saying that to the extent that ancient laws contain natural law, they cannot be abrogated; they can be abrogated only to the extent that they contain positive law (ll. 142–75).⁷⁰

This article's distinction between ancient law and current custom is a case of a more general concern in Thomas's writings with the contrast between *antiqui* and *moderni*. In *De veritate* q. 14, a. 12, for instance, it is asked Whether the faith of "ancients" and "moderns" is one and the same, and Thomas of course argues that it is; as he says more fully, but without using the term *moderni*, in *Quodlibet* XII.12.a.un.[20], between the time of the apostles and "now" (*modo* l. 5, *nunc* l. 19), the Church and its faith, sacraments, authority, and profession have all remained the same. In such contexts this "now," or time of the "moderns," simply seems to mean "the present age" in contrast to apostolic times, the latest as opposed to the earliest era of Christian history. But elsewhere Thomas's references to *moderni* seem to be more precise, being linked to the office of *magister* as it had developed institutionally in schools and universities for a century before Thomas began his career. As M.-D. Chenu pointed out, it was during the twelfth century that there began to be collected, and

⁷⁰ Mark Johnson discusses this text and a modern abuse of it in "Proportionalism and a Text of the Young Aquinas: Quodlibetum IX, Q.7, A.2," *Theological Studies* 53 (1992), pp. 683–99.

then cited together with authoritative sayings of the Fathers, “opinions of modern masters,” *sententiae modernorum magistrorum*.⁷¹ Associations among these three Latin words, then, were well established when Thomas began his work, and the first and the third of them had also been particularly associated with Peter Lombard, known as “Master of the *Sentences*,” or simply “*the* Master,” although there were other *magistri* (such as Thomas himself) and other collections of *sententiae*. In keeping with these associations, Thomas often uses the word *moderni*, from his *Sentences* commentary onward, to characterize a theological opinion as commonly held by “moderns” or “all moderns,” and this is usually an opinion with which he agrees. Sometimes, however, he uses it to describe recent heretics or errors; the one *modernus* he mentions as such by name, for example, is the early thirteenth-century materialist and pantheist David of Dinant (*III Sentences*, d. 17, q. 1, a. 1, c. [ed. Mandonnet-Moos 2: 413]).

There are fifty-eight references to *moderni* in Thomas’s work, just three of them in the *quodlibeta*. Of these three, the first two describe commonly held theological opinions; the third, more unusually, refers to certain “modern philosophers.” As the *moderni* in all three cases are accorded a quasi-authoritative status, let us round out our consideration of authorities with a brief consideration of each.

Among the several articles on Christ that open *Quodlibet IX*, one asks Whether there is in Christ more than one hypostasis (2.1.[2]), a question that would remind Thomas and his audience of Peter Lombard’s presentation of three opinions on the subject in *III Sentences*, distinction 6. Thomas sums these up in his reply to the first objection of IX.2.1.[2] as follows: the first opinion is that what was assumed by the second person of the Trinity in the Incarnation was a human nature as constituting a subsistent human being; the second is that what was assumed was a human nature as constituting a non-subsisting humanity; and the third is that what was assumed was a human nature taken materially, that is, the parts of a human nature, namely a soul and a body (ll. 156–85). Only the second of these opinions, Thomas thinks, can account for the union of two natures

⁷¹ “. . . on commença, dans le second tiers du XII^e siècle, à recueillir, puis à citer, à côté des dits ‘authentiques’ des Pères, des *sententiae modernorum magistrorum*”: Chenu, “Authentica et Magistralia,” in idem, *La théologie au douzième siècle* (Études de philosophie médiévale, 45) (Paris 1957), p. 358. This article was first published in 1925. Later Chenu rewrote the sentence, slightly recalibrating the chronology: “. . . on commença, dans le troisième quart du XII^e siècle . . .” (emphasis added): *Introduction à l’étude de saint Thomas d’Aquin* (Montreal-Paris 1954), p. 113.

in one person. Discussing the first opinion in his commentary on the *Sentences* a year or so earlier, he had said that since the divine person of the Son is something subsisting per se, then if we also posit in the Incarnation a subsistent human being composed of body and soul, it will be impossible to predicate one subsistent of the other and say, for example, that "The Son of God is this man"; and because the first opinion presented by Lombard *does* posit that what was assumed was a subsistent human being, this opinion is not *now* held by anyone: *non tenetur modo ab aliquo* (*III Sentences*, d. 6, q. 1, a. 1, c.). This reference to the present is echoed by the mention of "the moderns" with which Thomas opens the *responsio* of the quodlibetal article: "according to the second opinion that the Master presents in the sixth distinction of the third book of *Sentences*, which is the common opinion of the moderns, and much truer and safer than the others—*communis opinio modernorum, et aliis multo uerior et securior*—there is in Christ only one supposit and only one hypostasis, just as there is one person" (ll. 69–74). John of Damascus was the Patristic authority who affirmed the "truer and safer" opinion that there is in Christ only one hypostasis; by *moderni* here Thomas seems to mean his fellow *sententiarii*, those who rightly follow the Damascene in this regard.

"*Moderni*" occurs again at the end of *Quodlibet* II, in a *quaestio* on remission of sins consisting of two articles. One article asks a question of contemporary significance: Whether a crusader who dies before he takes the journey across the sea has plenary indulgence for his sins (8.2[16]). (The answer is that it depends on the form of the papal letter granting the indulgence.) The other question, the one that mentions *moderni*, is on a point in scripture: Whether sin against the Holy Spirit is forgivable (1[15]). This is another issue that would evoke memories of a passage in the *Sentences* presenting several opinions on the matter, namely Book II, distinction 43. There Lombard discusses three *assignationes* or identifications of the sin against the Holy Spirit mentioned in Matthew 12:31–32. Some say it is despair or obstinacy, which are called sins of *malitia*, sins of "badness," inasmuch as they oppose the *bonitas*, the goodness attributed to the Holy Spirit, and imply either love of badness for its own sake or judgement that one's badness exceeds the divine goodness.⁷² But

⁷² Of those who hold this view, some say that every sin of obstinacy and despair is called *irremissibile*, though not because it is never forgiven, but because it is forgiven only rarely and with difficulty; others say that it is only obstinacy or despair accompanied by impenitence that is an unforgivable sin against the Holy Spirit.

texts of Augustine suggest that the sin in question is final impenitence. And according to Ambrose it is the blasphemy of impugning the divine nature of Christ. Lombard concludes distinction 43 apparently approving of the first of these identifications, which Thomas, in his commentary on the *Sentences*, calls *magistralis*.⁷³ By this term he apparently means “of the Master,” that is, Lombard, although perhaps he also means to include “masters” more generally, that is, other twelfth-century writers and thirteenth-century *sententiarii*.

In the *responsio* of the quodlibetal article Thomas reverses Lombard’s order of *assignationes* to present a historical succession of *doctores* in three stages. Doctors prior to Augustine, he says, took the sin in question to be blasphemy either against the Holy Spirit or, inasmuch as God as such is called Spirit, against the divinity of the Father or the Son; in this sense they held it to be an unforgivable sin against the Spirit to attribute the miracles of Christ to demons, but a forgivable one to speak against him in his human nature (ll. 23–49). Augustine himself, attributing remission of sins to the Holy Spirit, held that one who sins against the Spirit is one who sins unrepentingly until the end of his life, and who is thus by definition unforgivable (ll. 50–58). But the *doctores moderni*, attributing power to the Father, wisdom to the Son, and goodness to the Holy Spirit, say that sin of weakness is against the Father, sin of ignorance against the Son, and sin of *certa malitia* against the Holy Spirit; and that since ignorance and weakness excuse or at least mitigate, while “definite badness” by contrast aggravates, a sin of *certa malitia*, having no *ratio* of forgiveness within it, is unforgivable except by the mercy of God (ll. 59–76). Gauthier indicates in a note (to l. 59) that the first of the “modern” teachers to hold this position was apparently Hugh of St Victor (1097/1101–1141); after Hugh, Peter Lombard enshrined the position and the question in his *Sentences*, thus ensuring that they would be discussed in *Sentences* commentaries. In a parallel article in *Summa theologiae* (IIa–IIae, q. 14, a. 1) Thomas repeats the same three-stage historical survey he presents in *Quodlibet* II.8.1[15]), but with slight differences in how the *doctores* are identified: the “doctors

⁷³ “Prima dividitur in duas: in prima ponit assignationem quamdam peccati in Spiritum sanctum, magistralem . . .” *In II Sent.*, 43.1, divisio textus (ed. Mandonnet-Moos 2: 1092).

before Augustine” are now called *antiqui doctores*, and Thomas says who they are, adding Athanasius, Hilary, Jerome, and Chrysostom to Lombard’s mention of Ambrose; on the other hand, the *doctores moderni* of *Quodlibet* II are now simply called “others” (*alii*).

Yet another parallel is *De malo* 3.14 (Leonine ed. 23: 96–99), on Whether every sin *ex malitia* is a sin against the Holy Spirit, a text that seems to have been written between the quodlibetal article and the article of the *Summa*. Thomas’s *responsio* refines Lombard’s collection of views still further by supplying continuity to the historical sequence of opinions. “The holy doctors before Augustine” said that the sin against the Holy Spirit was, as Matthew 12:32 indicates, speech or blasphemy against the Holy Spirit, taken either as the whole of the Trinity or the third person. (Thomas does not mention Athanasius here, but otherwise names the same doctors as he does in the *Summa*.) But because the scriptural verse goes on to say that this sin will not be forgiven in this world or the next, Augustine enlarged its scope to include movements of the heart and external deeds against the Holy Spirit’s truth and grace; and because charity, and therefore forgiveness of sins, are appropriated to the third person of the Trinity, Augustine further specified that the sin against the Holy Spirit must be final impenitence, that is, rejection of divine forgiveness. And because goodness is also appropriated to the Holy Spirit, the *magistri*, coming after Augustine, said that to speak against or blaspheme the Holy Spirit is to sin *ex malitia*, “out of badness,” that is, against the goodness of the Holy Spirit. Thomas concludes that if we speak of the sin against the Holy Spirit according to the “ancient saints” or according to Augustine (who is evidently between “ancients” and “moderns”), then clearly not every sin *ex malitia* is a sin against the Holy Spirit. And if we speak according to statements of the masters, which are not to be held in contempt—*secundum dicta magistralia, que non sunt contempnenda* (p. 98.215–16)—then here, too, not every sin *ex malitia* is, properly speaking, a sin against the Holy Spirit, but only sins such as the despair, presumption, and obstinacy mentioned by the Master, which follow from rejecting the restraints that the gifts of the Holy Spirit provide (pp. 97.110–98.238). If we combine this text with the reference to *doctores moderni* in *Quodlibet* II.8.1[15], we find Thomas concerned to stress both the “modernity” and the acceptability of the view that sin against the Holy Spirit is sin *ex malitia*, properly understood. Even if it does not have the weight of ancient authority, the modern and magisterial is “not

contemptible”; indeed, Thomas implies, it is worthy of consideration in the determination of theological questions.

As mentioned, the third use of *moderni* in the *quodlibeta* is in reference to “modern philosophers.” Although Thomas regards the authority of philosophers in theology as merely probable,⁷⁴ this does not keep him from appealing to it, in his *quodlibeta* as elsewhere, as often as he does to the authority of the holy doctors. The frequencies of his references to philosophical authors in the *quodlibeta*, including Aristotle, Plato, Platonists, Alexander of Aphrodisias, Cicero, Seneca, Boethius, Avicenna, Avicbron, and Averroes, are typical of his work. There are also, as in other texts, a few references to philosophers in general, for instance in the assertion of an argument *sed contra* that “*the whole doctrine of the philosophers*—which claims that sense receives from sensible things, imagination from sense, and intellect from phantasms—seems to hold that the soul receives the species by which it knows from things outside it” (VIII.2.1[3].30–33); or in Thomas’s statement in a *responsio* that “*the opinion of the philosophers* is that intellectuality follows from immunity from matter” (IX.4.1[6].94–96).⁷⁵

Quodlibet IV.1.2[3] contains one of only two occurrences of the term “modern philosophers” in the Thomistic corpus.⁷⁶ The question is whether there is water above the heavens, evidently a request for comment on *Genesis* 1:7. Thomas says that in sacred scripture, which cannot lie, it is explicitly said that there are waters above the heaven. He cites Augustine’s commentary on *Genesis*, which confirms the inerrancy of scripture, but also cautions Christians against speaking foolishly about natural things in such a way as to bring scripture

⁷⁴ *Summa theologiae* 1.1.8, ad 2 (Leonine ed. 4: 22).

⁷⁵ Gauthier’s notes to these passages put these comprehensive, somewhat extravagant, claims about all philosophers in perspective.

⁷⁶ The only other mention of “modern philosophers” indicated by the *Index Thomisticus* is in Thomas’s commentary on *Metaphysics*. Thomas is speaking of the Platonists whom Aristotle’s translator calls *moderni* (for *tois nun*) at III, c. 4, 1000a5–6: “Dicit ergo primo, quod quaedam dubitatio est, quae non minus relinquitur *modernis philosophis* Platonem sequentibus, quam fuit apud antiquos philosophos, quia etiam dubitaverunt, utrum corruptibilium et incorruptibilium sint eadem principia vel diversa” (emphasis added): *In III Metaphysicorum* 3.11, eds. M.-R. Cathala and R.M. Spiazzi (Torino-Rome 1950), p. 131, n. 466. The translator’s and Thomas’s notion of “ancient modern” philosophers indicates that “modern” is for them an entirely relative term.

into disrepute; Augustine says that he gives several expositions of a text so that one exposition might be accepted in a way that is not prejudicial to another and perhaps better one. Following Augustine's example, Thomas offers several ways of understanding the waters above the heavens. One is to take "the heavens" to simply mean the air in which birds fly and above which water evaporates and becomes rain; Augustine recommends this interpretation for its immediate plausibility. But "the heavens" may also mean the place of the stars, about which, Thomas says, one should know that there have been different positions. Some held that this heaven of stars is composed of the four elements; if so, nothing would prevent there being pure, elemental water above this heaven of stars, and again fire above the water. Others hold that the heaven of stars is either fiery or of a higher nature than the four elements. Plato holds the former of these positions, Aristotle the latter. In either case it would not be suitable for the element water to be naturally placed above the heaven of the stars; and as Augustine says, a commentary on *Genesis* is an occasion for asking how God did establish the natures of things, not how He might have arranged things miraculously. Still, even on the view of Plato or Aristotle, we can posit "a kind of water" (*aliquales aquas*) above the heaven, in one of two ways. We can take "water" to mean corporeal matter in general, as Augustine does in commenting on the beginning of *Genesis*, and in this sense to say that there are waters above the sidereal heaven of the stars is simply to say that there is something made of corporeal matter above this heaven; Thomas adds that this does not disagree with what is said by "modern philosophers" (l. 92), who posit above the eighth sphere, that of the stars, another sphere (the "crystalline" heaven) in which there are no stars. Or we can say that just as the empyrean heaven is called "fiery" not because it contains fire, but because of its brilliance, so "the waters" above the heavens are so called not because they contain water, but because they have transparency like water; thus the highest heaven, the empyrean, is entirely shining, the second, "watery" heaven is entirely transparent, and the third, sidereal heaven is partly shining and partly transparent. The truth of sacred scripture, Thomas says, can be saved by any of these opinions and should not be forced into one of them (ll. 26-110). Gauthier notes that the "modern philosophers" Thomas mentions here correspond to the "modern astronomers" to whom he repeatedly refers in his commentary on *De caelo*, and who include Ptolemy and his

Arabic followers, as well as contemporaries of Thomas.⁷⁷ It is presumably the last of these Thomas is calling “modern philosophers.”

In their use of authoritative sources Thomas’s *quodlibeta* amply confirm Bonaventure’s enumeration of four kinds of written sources used in the study of theology: scripture, the Fathers, the masters, and the philosophers.⁷⁸ The additional unwritten authority of custom is a reminder of the peculiar blends of the written and the spoken in Christian tradition, in scholasticism, and in the *quodlibet* form. Quodlibetal texts are written compositions based on oral disputes in which both written and unwritten sources are appealed to and response is sometimes made to other *quodlibeta*. This intricate combination of oral and written elements makes the *quodlibet* unique, and perhaps paradigmatic, among scholastic genres.

The Last Quodlibet (Quodlibet XIII)

The last *quodlibeta* of the two groups seem to reflect circumstances of Thomas’s moves from Paris back to Italy in 1259 and 1272. *Quodlibet XI*, the last of the earlier series, ends with the tenth *quaestio*, the prologue of which, however, introduces two *quaestiones* on human social life (*circa conuersationem humanae vitae*): one on social life in relation to one’s neighbor (q. 10), and one on social life “in relation to things that enter into human use” (*per comparisonem ad res quae in usum hominum ueniunt*), the subject of a missing eleventh *quaestio* that, to go by occurrences of this expression elsewhere in Thomas’s work, would have had to do with the “matter” of the virtue of justice (Gauthier, pp. 100*–01*). Gauthier allows that Thomas might have completed the eleventh *quaestio* and that it was then lost by being cut off at the end of a manuscript, but he thinks it more likely that Thomas never did finish it. The *quodlibet* was held before Easter, which in 1259 was on 13 April. Between then and his departure for Italy in the autumn Thomas worked on business that, Gauthier suggests, was closer to his heart than the tidying up of a *quodlibet*:

⁷⁷ In *De caelo* 2.8 (ed. Leonine 3: 150, n. 2), 2.17 (3: 186, n. 2), 2.18 (3: 195, n. 13), 2.19 (3: 198–9, nn. 4, 6), 2.28 (3: 227, n. 4).

⁷⁸ In *Hexaëmeron Collatio* 19, nn. 6–15; *Sancti Bonaventurae Opera omnia* (Quaracchi 1882–1902), vol. V, pp. 421–2; cf. Synan, “Brother Thomas, the Master and the Masters,” pp. 224–5.

dictation of *De veritate*, composition of *Summa contra gentiles*, and attendance at the Dominican General Chapter at Valenciennes in June (Gauthier, p. 101*). What he did finish of *Quodlibet XI* was eventually included in the second Parisian exemplar of the *quodlibeta*. As it stands, *Quodlibet XI* consists of just thirteen articles, fewer than the number of articles in any other of Thomas's *quodlibeta*.

The last *quodlibet* of the second series (XII), which has more articles than any other of his *quodlibeta*, is certainly unfinished, and unfinished in a different way: all of the questions asked are apparently accounted for, but the whole text is in an unrefined state. Some articles are apparently completed, but others are sketchy, consisting only of *responsiones* with the brevity and rough style of e-mail messages; three toward the end do not get beyond a statement of the question (22.2–3[37–38], 23.2[40]). Different explanations have been offered for the condition of the text: that it is a student's *reportatio*, an *abbreviatio* prepared by Thomas for his own use, or his unfinished draft of the *determinatio*.⁷⁹ Gauthier argues that it consists of personal notes written by Thomas after the original quodlibetal session and before the session at which he would make his determinations; they were the basis of these determinations and were also to have been the basis of the finished written version that he never got around to producing. The unfinished state of the text is cited by Gauthier as evidence for his argument that it is the last of Thomas's *quodlibeta*, held just before Easter 1272, which was on 24 April, soon after which he had to leave Paris, having been called unexpectedly back to Italy; at the beginning of June he seems to have been in Florence for the chapter meeting of his province, before going on to Naples. Under these conditions he had no leisure to complete the *quodlibet*. Gauthier thinks it likely that he carried the sketch of *Quodlibet XII* with him to the Dominican convent in Naples, and that it was preserved there after his death (pp. 152*–53*, 158*–60*).

As noted earlier, *Quodlibet XII* is distinguished not only by its large number of articles but also by the simplicity of its basic organization: there are nine articles on “the things above man” and 31 on “the human things”; of the latter, five are on human nature and 26 on moral questions under the headings “grace” and “fault.” On the

⁷⁹ Cf. Gauthier, p. 153*; Wippel, “Quodlibetal Questions,” p. 161, n. 11, p. 187, n. 84, and p. 190, n. 90.

other hand, perhaps even more than in other *quodlibeta* Thomas is driven in *Quodlibet* XII by the variousness of the questions to ingenuity in coming up with further subdivisions, within which he sometimes yokes together the most heterogeneous questions. Under “angels,” for instance, he considers both Whether the *esse* of an angel is an accident of it (4.1[6]), and Whether the devil knows the thoughts of men (4.2[7]); under “effect of cognition” he brings together Whether the habits of acquired sciences remain after this life (8.1[13]), and Whether human words have power to move animals such as serpents (8.2[14]); and “the intellectual virtue of truth” covers both Whether truth is stronger than wine, a king, and a woman (13.1[21]), and Whether one is bound to keep an oath not to reveal a medical cure one has been taught (13.2[22]). Such unexpected and rather amusing combinations of questions can of course occur in the most well-devised *ordinatio* and are characteristic of the *quodlibet* form as such, but they stand out with particular starkness in the rapid succession of many brief articles in *Quodlibet* XII, as it becomes clear that even Thomas, master of the *ordo disciplinae*, is unable to give all his transitions a perfectly smooth, neoplatonic gradualness. If the prologue of the *Summa theologiae* suggests that this was for him a matter of regret, it is for the modern reader one of the charms of his *quodlibeta* that they can present thematic connections that do not readily suggest themselves in a reading of his well-ordered *summas*.

The first nine questions are grouped into *quaestiones* on God’s *esse*, power, and predestination (qq. 1–3); on angels (q. 4); and on the universe (q. 5). Each of the questions is addressed by Thomas elsewhere, but his answers here are worth noting for, among other things, some striking remarks on the themes of *esse* (existence) and form.

- *Esse* can mean *actus entis*, the actuality of a being, or *actus intellectus*, the actuality of intellect that occurs in the composition of a proposition (1.1[1].34–38).
- God acts through His intellect and through the Word, which is formative of all things; everything He does, then, must be formed (*oportet quod omnia que agit sint formata*) (2.2[3].20–23).
- The substantial *esse* of a thing is not an accident, but the *actualitas* of any existing form (4.1[6].27–29).
- One reason angels cannot know human thoughts *in se* and *per se* is because of “the weakness of existence” (*debilitatem esse*) that such

thoughts have: “for the level at which things exist in the soul is scarcely higher than the level at which something is a being in potentiality” (<uix> *supra gradum quo aliquid est ens in potencia, est gradus quo res sunt in anima*) (4.2[7].10–12).

The aphoristic quality of scholastic writing is prominent in such remarks, which invite meditation on themselves, but also comparison with other metaphysical passages in Thomas.⁸⁰ For example his remark about the weakness of existence of human thoughts and of the existence of things in the human soul is reminiscent of the “weak existence” that he elsewhere attributes to the category of relation.⁸¹

The long second part of the *quodlibet*, on the human things, contains many points of interest from Thomas’s moral thought late in his career. The questions on grace are grouped by a division into sacraments, virtues, and offices. The division on sacraments contains *quaestiones* on baptism and penance (qq. 9–10) and two single-article *quaestiones* on issues only indirectly related to sacraments: Whether compaternity is caused by such preambles to the sacraments as catechesis (q. 11), and Whether it is one and the same Church that existed at the time of the apostles and exists now (q. 12). Two distinctive features of the article on compaternity are worth noting here. It contains one of Thomas’s relatively rare first-person remarks: although some say otherwise, he says, “it seems to me” that compaternity is contracted only in the sacraments of baptism and confirmation (ll. 18–20).⁸² And it contains the only occurrences of the word *christianismum* in the Thomistic corpus: an objection argues that a catechumen is thought to be a Christian, and that one who gives *christianismum*, the condition of being Christian, becomes a *compater* (ll. 11–13); Thomas answers that the catechumen is called a Christian by his faith, not by the baptism he has not yet received, and that it is the

⁸⁰ The aphoristic aspect of Thomas’s writing in particular is forcefully illustrated in Josef Pieper’s selection and arrangement of brief passages in *Thomas von Aquin, Sentenzen über Gott und die Welt*, 2nd ed. (Trier 1987). The selections from the *quodlibeta* are relatively few, but they represent the valuable and irreplaceable details that the *quodlibeta* contribute to our view of the mind of Aquinas.

⁸¹ *De potentia* 8.1, ad 4 (ed. Parma 8: 169).

⁸² This use of the first person contrasts with an earlier parallel text on the question in which Thomas describes the opinion as “more common” than another: “Et ideo alii dicunt, quod tantum per duo sacramenta, scilicet per baptismum et confirmationem; et haec opinio est communior”: *In 4 Sent.*, 42.1.2, c. (ed. Parma 7: 1050).

one who gives the sacrament of baptism who gives *christianismum* (ll. 30–33). It is surprising that he did not find other uses for this potentially useful term. Was it new to him in early 1272?

The division on virtues includes *quaestiones* on the intellectual virtue of truth (q. 13), on the interconnection of the moral virtues (q. 14), and on restitution, an act of the virtue of justice (q. 15). The first of the three questions on restitution—Can those who have been expelled because of party strife (*propter partes*) ask for their goods back from those who remain in the city (14.1[24])?—has led scholars to hypothesize about the political situation that might have provoked it. Glorieux thought that it referred to a tax revolt in Cahors in June of 1270.⁸³ Gauthier argues that it arose out of struggles in Italian cities between the party of the Church and the party of the emperor, later identified as Guelfs and Ghibellines respectively; he points out that Thomas's article mentions "the party of the Church," a term of Italian origin, and that banished Italians of the period were drawn to France and may have been numerous in Paris at the time of *Quodlibet* XII (Gauthier, pp. 158*–60*).

Thomas responds with a double distinction. Either the expelled were expelled justly, because of a fault of theirs, and then they cannot ask back for what they have lost; or they were expelled unjustly, through no fault of theirs and without due order of justice, and then they can ask for their goods back. In the latter case, if they have a superior they should seek restitution through him; if not, they themselves may recover their goods if possible (ll. 30–37). The first opposing argument is that many who remain in the city were not at fault in the expulsion, so that if restitution were made they would be punished for someone else's fault. Thomas answers in two stages. First he makes a comment concerning political representation: on the contrary, they would be punished for their own fault, because the *maiores*, the leaders, do everything by the authority and favor of the people, who were therefore at fault in supporting them. Then he offers a cold statement of fact: the objector's implicit principle that no one who is not at fault is punished holds in the case of spiritual punishment, but in the case of temporal or bodily punishment one

⁸³ P. Glorieux, "Le *Quodlibet* XII de saint Thomas," *RSPT* 14 (1925), p. 43.

person is often punished for another's fault; here Thomas seems to be counseling resignation to the impossibility of perfect justice in this world (ll. 13–15, 38–45). The second opposing argument says that the expelled opposed the party of the Church, and so the war against them was just and their goods should not be returned to them. To this Thomas answers with a generalization that puts the Church beyond considerations of party and himself beyond the need to decide the particular case referred to: inasmuch as one acts justly one acts for the Church, and inasmuch as one acts unjustly one acts against the Church (ll. 16–19, 46–48). The third opposing argument refers to the argument of Aristotle's *Politics* III, c. 3: 1276b1–15, that when the order of a city changes, it is no longer the same city; but a change of rulership is a change of order and so a change of city; therefore the expelled no longer belong to the same city and the citizens are not bound to make restitution to them. Thomas answers that if the citizens are the same persons, they clearly are bound to make restitution, but if they are different persons, they are not so bound (ll. 20–26, 49–51). Though brief, the article is clear and precise in sorting through possible cases, identifying relevant principles, and offering conclusions of potential practical value.

Quodlibet XII is unique among Thomas's *quodlibeta* in having a division *de officiis*, although the first *quodlibet* does include a discussion of offices in its response to the question Whether manual labor is a matter of precept.⁸⁴ There Thomas attributes the distinction of human offices to both providence and nature. There are two kinds of precepts of natural law, he says, some directed to removing spiritual or bodily imperfections of individuals, others to removing imperfections of the whole species. Their difference is illustrated by the biblical commands to eat and to multiply respectively: everyone is bound to obey the former but not the latter. In what pertains to the species all men are reckoned as one man, and just as one man has various specialized bodily members for various "offices" to make up for his own imperfections, so it is in the species: one man would not suffice

⁸⁴ Moreover, individual articles in *quodlibeta* prior to *Quodlibet* XII also include discussion of particular offices, some of which we have seen, for example: VIII.4.1[6], on making selections for ecclesiastical offices; I.7.2[14], on teaching versus care of souls; III.4.1[9], on the offices of bishop and teacher; and III.6.3[17], on the comparative perfection of the states of parish priests and religious.

for doing everything human society needs, and so different persons must occupy different offices. The diversification of men into different offices is caused first of all by divine providence, which distributed human “states” (*status*) in such a way that nothing necessary for life was lacking. Second, it is due to the natural causes from which different inclinations arise in different men for different “offices” or different “ways of life” (VII.7.1[17].134–70).

Speaking more precisely in *Summa theologiae* IIa–IIae, q. 183, a. 2, Thomas distinguishes *status*, *officium*, and *gradus* with reference to perfection, action, and beauty respectively. *Status* has to do with distinctions between perfection and imperfection: as the simple and uniform perfection of God can only exist in natural things in a way that is various and multiple, so, for the perfection of the Church, the fullness of grace in Christ is extended to members of the Church in various states of perfection and imperfection. *Officium* has to do with the need of actions in the Church: different actions need to be assigned to different persons so that everything might be done expeditiously and without confusion. (In IIa–IIae, q. 168, a. 3, ad 3, Thomas identifies the role of actor [*histrionus*] as an *officium* of civil society on the ground that diversion [*ludus*] is necessary to human life.) *Gradus* has to do with the dignity and beauty of the Church, which consists in a certain order; it is perhaps best translated as “dignity.”⁸⁵

The offices asked about in *Quodlibet* XII are those of expositor (q. 16), preacher (q. 17), confessor (q. 18), and vicar (q. 19). The offices of preacher and confessor being central to the mission of the Dominican Order, the questions concerning them would have had special significance for Thomas. One such question, like the question on those who have been expelled from a city, hints at an actual

⁸⁵ “Respondeo dicendum quod, sicut dictum est, diversitas in membris Ecclesiae ad tria ordinatur, scilicet ad perfectionem, actionem et decorem. Et secundum haec tria triplex distinctio diversitatis fidelium accipi potest. Una quidem per respectum ad perfectionem. Et secundum hoc accipitur differentia statuum, prout quidam sunt alii perfectiores. Alia vero distinctio accipitur per respectum ad actionem. Et haec est distinctio officiorum, dicuntur enim in diversis officiis esse qui sunt ad diversas actiones deputati. Alia autem, per respectum ad ordinem pulchritudinis ecclesiasticae. Et secundum hoc accipitur differentia graduum, prout scilicet, etiam in eodem statu vel officio, unus est alio superior. Unde et in Psalmo dicitur, secundum aliam litteram, *Deus in gradibus eius cognoscetur*” (*Summa theologiae* 2–2.183.3, c [ed. Leonine 10: 448]). Cf. Bonino, “Charisms, Forms, and States of Life,” p. 347.

political situation: Whether someone prohibited by a secular prince from preaching should stop preaching (17.2[29]). Again Thomas answers by making two distinctions. Someone may be forbidden to preach by a tyrant alone or by a tyrant and a people together. If the former, then since some of the multitude wish to hear the preaching, it should not be stopped, although it should be adjusted as to time and place so that it is not impeded by fear of the tyrant; sometimes in such a case it would even be permissible to preach secretly in homes as the apostles are said to have done. If both a tyrant and a people are forbidding the preaching, the preacher should go elsewhere, in keeping with the command in Matthew 10:23. The other distinction depends on whether the preacher does or does not have a care of souls, that is, whether he preaches by necessity of his office or of his own accord. If the former, he should not abandon his flock even out of fear of death, as long as he can do some good by remaining with them. If he does not have a care of souls, then even if he can do something fruitful he is not bound to stay or lay down his life, except in certain cases, for instance if the faith is endangered. In other cases laying down one's life is a matter of counsel, not command (ll. 18–47). The replies to objections confirm this cautious conclusion: God gives the command to preach, but to do so in a way that is orderly and useful to salvation of souls; it is true that one should not stop doing the work of God out of fear of death, but one who endangers himself without cause or necessity acts unwisely (ll. 48–54). This article, like the earlier one about expulsees, is unparalleled in Thomas's work; if it too arose from a particular situation, perhaps it was one in which Dominicans were being forbidden to preach by a secular prince.⁸⁶

Sketchy as it is, *Quodlibet* XII is a valuable record of the way in which Thomas would begin to compose answers to quodlibetal questions. The sketchiness highlights the precision of thought and

⁸⁶ The activities of preacher and confessor raise questions of jurisdiction: May someone preach on his own authority, without being licensed by a prelate (17.2[29])? May someone hear confession with the indulgence of the Lord Pope and without the agreement of one's own prelate (18.a.un.[31])? The question on the office of confessors is Whether a priest may hear confessions with the indulgence of "the Lord Pope" (*de indulgentia domini Pape*) and without the agreement of his own prelate. In Thomas's earlier *quodlibeta* two other questions about the pope had been asked: Whether someone sins who does not observe the constitution of a pope out of ignorance (I.9.3[19]), and Whether the pope can give dispensation to bigamists for their promotion (IV.8.2[13]).

expression, as well as the skeletal structure of authorities, axioms, and distinctions, that also stand behind the more fully developed arguments in his other *quodlibeta* and other works. Unlike all of the other *quodlibeta* except XI and VI, *Quodlibet* XII, despite its length, has no questions explicitly about Christ, and thus it resembles, on a miniature scale, the *Summa theologiae* at it stood in the spring of 1272, with a first part on God and a long second part on moral questions.

The Quodlibeta, loca parallela, and Thomistic Scholarship

In VI.11.a.un.[19], Thomas makes one of his infrequent references to his own work. The article concerns the empyrean heaven, which had been held by theologians since the twelfth century to be the place of the blessed, a tenth region beyond the seven planets, the heaven of the stars, and the crystalline heaven. The question was whether the empyrean influences other bodies. Thomas says that some hold it does not, because it was established not to have effects in nature but to be the place of the blessed. Then he says: “And so it once seemed to me (*Et hoc quidem michi aliquando uisum est*). But on considering more carefully it seemed to me that it should rather be said (*magis uidetur dicendum*) that the empyrean does influence lower bodies.” He is apparently referring to *II Sentences*, d. 2, q. 2, a. 3 (1254–57), the first *sed contra* of which asserts that the empyrean belongs to a different order than do other bodies because it is ordered not to the state of generation and corruption but to the state of glory. The *responsio* of this earlier article argues that one body can influence another only by motion, that no body causes motion unless it is moved, and that the empyrean is held to be immobile; therefore it cannot be reasonably held that it influences other bodies. Later, in *Summa theologiae* I, q. 66, a. 3, ad 2 (1265–67), Thomas begins to waver on the point, saying that it is likely enough (*satis probabile*) that the empyrean, being ordered to glory, has no influence on lower bodies, which are ordered to the natural course of things, but also that it seems more likely (*probabilius*) that it should be said that it *does* influence lower bodies, in the way that the highest angels, who are not “sent forth” by God, influence other angels, who are. Finally, in *Quodlibet* VI (Christmas 1270), he argues decisively for the affirmative position by neatly combining Aristotelian and Augustinian

texts into a syllogism: the whole universe is one by a unity of order, as is clear from what Aristotle says in *Metaphysics* XI; this unity of order is understood according as the bodily is governed by the spiritual and lower bodies by higher ones in a certain order, as Augustine says in *De Trinitate* III; if, then, the empyrean did not influence lower bodies, it would not be included in the unity of the universe, which would be *inconueniens* (ll. 27–44).⁸⁷ The texts clearly show the stages of Thomas's change of opinion in the direction of emphasis on the unity of the universe, from the negative first answer to the tentatively affirmative second, then to the emphatically affirmative answer of the quodlibetal article. Did he make the reference to his earlier view at the second, determinative session of the quodlibetal dispute, or only later, in the published version? In either case he implies by the reference that he thought of his *quodlibeta* in the context of his work as a whole. Did his audience also think of them in this way? Usually he had already published an answer, often more than one answer, to a question put to him at a *quodlibet*. Did the questioners, the audience, and he himself understand such questions as invitations to him to either repeat himself, or rephrase what he had said earlier, or say something new, on a point he had discussed before? Was his explicit acknowledgement in VI.11.a.un.[19].32–33 that he was about to revise an earlier opinion also an acknowledgement that his audience would likely be aware of his earlier discussions of the point?

“And so it once seemed to me, but on considering more carefully . . .” Thomas uses this phrase or variations of it several times again a few years later in the *tertia pars* to signal other self-corrections, on questions concerning the knowledge of Christ and the spiritual effects of circumcision.⁸⁸ The article in *Quodlibet* VI, then, not only looks back to his early *Sentences* commentary but also introduces a

⁸⁷ Thomas goes on to argue that the most proper effect of the empyrean on lower bodies seems to be *perpetuitas et permansio*, that is, their endurance; *perpetuitas* is a fairly common term in the Thomistic corpus, but *permansio* is rare. For comment on VI.11.a.un.[19] see T. Litt, *Les corps célestes dans l'univers de saint Thomas d'Aquin* (Philosophes médiévaux, 7) (Louvain-Paris 1963), pp. 260–1, and O. Blanchette, *The Perfection of the Universe According to Aquinas: A Teleological Cosmology* (University Park, PA, 1992), pp. 26–8.

⁸⁸ *Summa theologiae* 3.12.2, c. (ed. Leonine 11: 167); 3.62.6, ad 3 (ed. Leonine 12: 28); 3.70.4, c. (ed. Leonine 12: 119). In these cases, too, he seems to be referring to passages in his *Sentences* commentary. See J. Inoue, *On the Development of St. Thomas's Theory of the Knowledge of the Separated Soul* (Ph.D. Dissertation, The Catholic University of America, 2000), p. 57, n. 160.

retrospective feature of his last years, one that suggests attentiveness on his part to the fact that he was nearing the end of production of a large body of work in which questions recur and answers sometimes vary. His self-corrections in turn anticipate the preoccupation of his posthumous readers with comparing his different treatments of a question, whether to bring out contradictions, demonstrate fundamental harmonies below apparent differences, or trace developments in his thought throughout different texts dealing with a single question.⁸⁹ The preoccupation led to the development of concordances of his works and to the editorial convention, fixed after the invention of printing, of supplying a list of references to *loca parallela* with each unit of text in every work. Gauthier's edition of the *quodlibeta* perfects the convention, providing for each article that has parallel texts a list of references to the texts arranged in chronological order of composition, so that the reader can see at a glance whether an article has parallels, and if so, what they are, what their chronological sequence is, and where the quodlibetal article fits into the sequence. The reader's attention is thereby directed away from the article's native setting in the order of questions devised by Thomas to the very different chronological order of parallel texts. Thomas himself only rarely, as in VI.11.a.un.[19], adverts to this latter order in his work, but in contemporary Thomistic scholarship it is prominent, often to the point of eclipsing the *ordo disciplinae* he always tried to give his material. This abstraction of texts from contexts can occur even in discussions of articles of the *Summa theologiae*, where Thomas had *begun* by devising an order within which he could ask his *own* questions. It therefore seems all the more legitimate in the case of the *quodlibeta*, the order of which was from the beginning *ad hoc*, secondary, a compromise with the element of chance in these most unprogrammed occasions of disputation.

Thus the *quodlibeta* today are for the most part regarded not as twelve works each with an integrity of its own, but as a large warehouse of textual bric-à-brac from which to draw in discussions of

⁸⁹ On an early comparison between articles of the *Sentences* commentary and the *Summa theologiae*, see R.-A. Gauthier, "Les 'Articuli in quibus frater Thomas melius in Summa quam in Scriptis'," *RTAM* 19 (1952), pp. 271–326. On the oft-printed fifteenth-century *Tabula Aurea* by Peter of Bergamo, an index to Thomas's *opera*, see B.-G. Guyot's review of *In opera sancti Thomae Aquinatis Index seu Tabula Aurea eximii Doctoris F. Petri de Bergamo*, editio fototypica (Rome 1960), in *Bulletin thomiste* 12 (1963–65), pp. 169–208.

developments in Thomas's thought. Results can be meager: reference to *quodlibeta* in the scholarship is typically confined to footnotes to discussions of other texts, a passage from the *quodlibeta* serving merely to confirm or add a minor detail to a point being made about a passage in another work. But occasionally a quodlibetal article is brought to the fore and analyzed against the background of the chronology of Thomas's works, sometimes with observations and insights that enhance our appreciation of Thomas's thought.

To take one recent example among many from the past eighty years,⁹⁰ in *La profondeur de l'amour divin*, a study of the evolution of the doctrine of predestination in Thomas's work, Michał Paluch devotes a chapter to *Quodlibet* XI.3.a.un.[3].⁹¹ Situated chronologically between chapters on the *Sentences* commentary and *De veritate* on one hand, and chapters on the two *Summas* and the relevant scriptural commentaries on the other, the chapter on the quodlibetal article notes that it stands out from its *loca parallela* because of its question. When composing questions himself Thomas regularly asks Whether predestination is certain, but here he is asked rather Whether predestination imposes necessity, a formulation that, Paluch argues, points to a Bonaventurian background. It is likely that the questioner and audience were aware of Bonaventure's answer to the question in his *Sentences* commentary. At any rate Thomas consulted this answer when composing his own answer, which he may have intended as a comment on Bonaventure's position. He explains the contrast between eternal divine knowledge and temporal human knowledge by means of an image of someone watching a procession from a height, an image that originates with Boethius, but that Thomas takes in slightly altered form from Bonaventure. But Thomas's understanding of the causality at work in predestination is radically different from Bonaventure's. Bonaventure understands it as a confluence of two causes: God, whose causality is necessary, and human free choice, which is changeable. For Thomas, by contrast, the first cause is the

⁹⁰ The classic study of *loca parallela* in Thomas's work is Joseph de Guibert's *Les doublets de saint Thomas d'Aquin: Leur étude méthodique; Quelques réflexions, quelques exemples* (Paris 1926). The fourth chapter, on the question of the relative importance of counsels and precepts in the perfection of charity, discusses quodlibetal texts on pp. 135–40.

⁹¹ "Chapitre IV: La question quodlibétique (XI, 3)," in M. Paluch, *La profondeur de l'amour divin: La prédestination dans l'oeuvre de saint Thomas d'Aquin* (Paris 2004), pp. 155–62.

entire cause of the effect, although it acts through the second cause. Despite this difference, Paluch argues, Thomas seems in the quodlibetal article to be approaching Bonaventure's position inasmuch as he insists on the duality of the causes of predestination, as well as on the principle that if just one of the two causes is contingent, the effect must also be contingent. Moreover, Thomas's insistence in the article on the role of the divine will as the foundation of both necessity and contingency agrees with Bonaventure's approach. Bonaventure claims that predestination does not impose necessity because it is a cause by will, not by necessity; and predestination is not the whole cause of its effect. Thomas reworks this: God wills the order of created causality, and that is precisely why God is the whole cause, enveloping necessary as well as contingent events. Perhaps, then, Thomas is taking advantage of the situation to bring into question Bonaventure's understanding of causality in predestination. Paluch's careful argument and suggestive conclusion show that quodlibetal articles should not be dismissed as echoes of their *loca parallela*, but should rather be taken on their own terms, with their own contexts and backgrounds, and their own contributions to make to our understanding of "evolutions" in Thomas's thought. Paluch's linking of XI.3.a.un.[3] with Bonaventure is reminiscent of Thomas's borrowing from Bonaventure in VII.7, and suggests a more general topic for investigation: the presence of Bonaventure in the background of Thomas's *quodlibeta*.⁹²

Two other recent examples of attention to individual quodlibetal articles, by Michael Gorman and John F. Wippel respectively, share a metaphysical interest in Thomas's understanding of the relation between a nature and its subject. In "Uses of the Person-Nature Distinction in Thomas's Christology,"⁹³ Gorman shows that Thomas is "apparently not adverting to the problematic implications" of what he says in *Quodlibet* IX.2.1.[2], ad 1. (This is the article the *responsio* of which, as we have seen, contains the first mention of *moderni* in the *quodlibeta*.) The question is Whether there is in Christ only one hypostasis, and the first objection is as follows. Christ assumed a

⁹² The scope of this topic is indicated by the references to Bonaventure in the Leonine edition's index, pp. 463–4.

⁹³ M. Gorman, "Uses of the Person-Nature Distinction in Thomas's Christology," *RTPM* 67 (2000), pp. 58–79.

humanity or human nature, which, being “a form of a whole,” means something composed of soul and body; but soul and body united make a hypostasis that is a human being; therefore a hypostasis in human nature is presupposed by the assumption, and is what is assumed; therefore, the hypostasis that is the Word assumed a hypostasis that is a man; therefore, since there is a distinction between assumer and assumed, there are in Christ two hypostases, a human being and the Word (ll. 11–23). Thomas answers that a union of soul and body can constitute either a human being or a humanity. The difference is that “humanity” (*humanitas*) is signified as a part, that by which a human being is a human being; it signifies, by precision, the essential principles of the species, by which an individual belongs to the species; it is a part because there is much else in things that have natures. But “human being” (*homo*) is signified as a whole; it is said to have or subsist in humanity, without prescinding from whatever else, such as color and quantity, might supervene on the essential principles. Therefore the union of human nature with divine nature presupposes union of soul and body insofar as these constitute humanity, not insofar as they constitute a human being; what in Christ is constituted of soul and body, and is presupposed by the union, is not a whole that subsists per se, but something belonging to it, and so it cannot be signified as “a human being,” but only as “a humanity” (ll. 140–69). Here Thomas focuses on the fact that what the Word assumed does not subsist, but he also says that what was assumed lacked non-essential principles, including accidents. Much of what he says later, however, goes against the idea that what the Word assumed excluded non-essential principles; *Summa theologiae* III, q. 4, a. 4, for example, argues that the Word could not have assumed human nature apart from particulars. So, Gorman asks, Is *Quodlibet* IX.2.a.un.[2], ad 1 “a youthful indiscretion”? It seems not; rather, “it merely makes explicit a problem that is already implicit in Thomas’s thought,” namely a tension between his adoption of the Augustinian claim that the Word assumed a nature, not a person, and his definition of nature as the principle by which something possesses essential features and nothing more. Moreover, although he defines nature thus, he occasionally, as in *Quodlibet* IX.2.2[3], uses the term differently, as meaning the whole composed of essence, accidents, and individuating principles. He seems never to have noticed the gap between his definition of nature to mean a formal part and his occasional use of “nature” to mean a whole. Usually

the ambiguity is harmless, but in *Quodlibet* IX.2.1.[2], ad 1 it led to difficulty. Thomas, Gorman says, should have explained his own understanding of Augustine's remark that "the Word assumed a nature" as follows: "The Word assumed not a human being, nor yet a human nature alone, but a human nature with the accidents and designated matter that are, in the normal course of things, found in a human being."⁹⁴

In a section of *The Metaphysical Thought of Thomas Aquinas* entitled "*Esse* and the Individual Subject (*Suppositum*)," John F. Wippel reviews six texts by Thomas arguing for identity of nature and supposit in angels.⁹⁵ Then he points out that *Quodlibet* II.2.2[4], in apparent contradiction to these texts, denies that supposit and nature are identical in an angel. The earlier texts had argued or implied that in a thing composed of form and matter there is a real distinction between supposit and nature because the thing—that is, the supposit or individual substance—includes individuating accidents that result from the reception of form in matter, and are not part of the nature; but in simple substances such as angels, which consist only of form, the nature is not received in individuating matter, and so nature and supposit do not differ in reality. *Quodlibet* II.2.2[4] seems to reverse this, saying that in all creatures, composite or simple, nature and supposit are really distinct; only in God are they identical. Here the argument is that in anything to which something can "happen" (*accidere*) that does not belong to the *ratio* of its nature, the thing and what it is—that is, the supposit and the nature—differ. The supposit includes any "accident" that "happens" to the thing; the nature does not. But only in God is there no accident in addition to essence, because His *esse* is His essence, and so supposit and nature are completely the same in Him. In an angel they are not the same,

⁹⁴ Gorman, "Uses of the Person-Nature Distinction," p. 69.

⁹⁵ Wippel, *The Metaphysical Thought of Thomas Aquinas*, pp. 243–53. Wippel's book also cites Thomas's *quodlibeta* on pp. 25 (n. 7), 34, 35 (n. 44), 37 (nn. 47–8), 38 (n. 49), 104 (n. 27), 105–7, 108 (n. 39), 119, 121 (n. 71), 122 (nn. 72–3), 206, 213 (n. 56), 228 (n. 108), 235, 257, 278–80, 309 (n. 49), 324–5, 325 (n. 116), 346, 350, 368 (twice), 409 (n. 26), and 588. Wippel's exemplary analyses of quodlibetal texts and their *loca parallela* show how careful study of the *quodlibeta* can contribute to exact understanding of Thomas's metaphysical thought and terminology. They also abundantly confirm, at least for the case of Aquinas, Wippel's remark elsewhere that *quodlibeta* of masters in theology are filled with philosophical content: "Quodlibetal Questions," p. 158; cf. p. 221.

because in the angel's supposit there are accidents, features that "happen" to it in addition to what belongs to the *ratio* of the species, starting with *esse* itself (ll. 85–102). How is this apparent conflict of texts to be resolved? After reviewing earlier attempts at a solution, Wippel proposes one that turns on a distinction between two ways of taking the expression *quod est*, "that which is." When, following Boethius, Thomas contrasts *quod est* with *esse*, he is emphasizing the *quod*, the "that which," in *quod est*; likewise, when he contrasts supposit and nature in the earlier texts, "the term 'supposit' may be taken as signifying this same subject with this same quidditative emphasis along with the additional implication that the subject is ontologically complete and incommunicable." The supposit is the concrete whole and the nature is the formal part. The concrete whole includes additional individuating characteristics in the case of material things, but not in the case of spiritual things, and so nature and supposit are said to be identical in angels. But we can also emphasize the *est*, the "is," in *quod est*, with the implication that the supposit includes its *esse* as well as its essence, and so differs from nature even in spiritual creatures, and this is how Thomas takes the term supposit in *Quodlibet* II.2.2[4]. "Without necessarily implying a substantive change in doctrine, this text surely does point to a change in usage. This shift in usage is significant, for it brings out more forcefully the role of *esse* or the act of being within the ontological structure of any subsisting subject."⁹⁶ Gorman uses a quodlibetal article to bring out an inconsistency in Thomas's understanding of "nature"; Wippel uses another article to show an apparent inconsistency that can plausibly be explained by a shift in emphasis. In both cases formulations peculiar to the *quodlibeta* serve as a basis for subtle reflection on Thomas's metaphysical language bearing on the relation between nature on one hand, and divine, angelic, or human person or supposit on the other.

It is noteworthy that some 90% of the 264 quodlibetal articles *are* paralleled elsewhere in Thomas's work, a high proportion that rather heavily qualifies the notion of a *disputatio de quolibet*. That is, the questions asked are in fact *not* about "anything whatsoever," but on topics thought to be appropriate for treatment by a regent master in

⁹⁶ Wippel, *The Metaphysical Thought of Thomas Aquinas*, p. 251.

theology, and by Thomas in particular. If the choice of questions is out of his hands, almost any of them might turn up elsewhere in his writings. But some questions are paralleled only or mainly within the *quodlibeta*, being particularly suited, perhaps, to the forum of a quodlibetal disputation; it has been noticed, for example, that “almost all of the questions touching upon benefices and prebends in Thomas’s literary corpus are found in the *quodlibeta*.”⁹⁷ And some questions asked in the *quodlibeta* are unique in Thomas’s work, including some discussed above, such as the question in the first *quodlibet* on divine immensity and plurality of persons, and the questions in the last one on expulsees and on tyrants who forbid preaching. Occasionally unparalleled articles have been the object of scholarly study.⁹⁸ The motives of the questioners in such cases were perhaps rather different from those of the more usual questioners who asked about points Thomas had determined before: instead of giving him an opportunity to reconsider an earlier answer, they would be surprising him with a new and unexpected question and testing his ability to respond quickly and intelligently. Correspondingly, his answers to these odd questions hold a different appeal for scholars than do his responses in paralleled articles: instead of contributing evidence to the search for patterns of development in Thomas’s thinking on a question, they offer momentary glimpses of him at work in the Parisian Faculty of Theology. In a study of an article on Whether, in comparison with each other, wine, a king, a woman, or truth is the stronger (XII.13.1[21]), Edward Synan suggests that the questioner may have wished to embarrass Thomas, and that the response is “a rare, perhaps unique, text in which the Common Doctor has demonstrated how brash students or difficult colleagues might be handled,” while at the same time showing a serenity, erudition, and capacity to bridge cultural divides.⁹⁹ But perhaps much of this description might be applied to Thomas’s quodlibetal responses in general.

⁹⁷ M. Johnson, “Proportionalism and a Text of the Young Aquinas: Quodlibetum IX, Q.7, A.2,” p. 688, n. 13.

⁹⁸ For example, Edward A. Synan, in “The ‘Stronger’ Truth of Aquinas,” *Proceedings of the American Catholic Philosophical Association* 67 (1993), pp. 135–42, examines the unparalleled XII.13.1[21]. In homage, and partly in imitation, I discuss another unparalleled article, on Whether the number six is the Creator or a creature, in “Creation, Numbers, and Natures: On Aquinas’s *Quodlibet* 8.1.1,” in *Medieval Masters: Essays in Memory of Msgr. E.A. Synan*, R.E. Houser, ed. (Houston 1999), pp. 179–90.

⁹⁹ Synan, “The ‘Stronger’ Truth of Aquinas,” pp. 141–2.

What if nothing of Thomas's work had remained but the *quodlibeta*? Some of his characteristic themes, such as the composition of *esse* and *essentia* in all things other than God and charity as the perfection of human nature, would have been transmitted, but in contrast with what we do have, we would be left with twelve sketches, or rather caricatures, of his thought, each hinting at the whole of theology, but hampered in this regard by the severe limitations of its occasion. Still, Thomists may be grateful for the *quodlibeta*, and not merely for their singular details or their documentation of developments in Thomas's thought. Read in its entirety, with the help of Gauthier's invaluable notes, any of the *quodlibeta* provides a valuable object lesson on the way in which Thomas, in the midst of many questioners and questions, made constant efforts to see his subject, sacred doctrine, whole.

It seems appropriate to close by referring to the close of one of the *quodlibeta*. The final article of *Quodlibet* IX (8.a.un.[16]), which is presented under the heading "what pertains to glory," contains a number of features similar to ones we have noted in other articles. Its question, Whether all of the saints who have been canonized by the Church are in fact in the state of glory, is unparalleled in Thomas's work; its *responsio* includes a *hapax legomenon* of the Thomistic corpus, the noun *canonizatio* (l. 62); and its conclusion, that one should in piety believe that the judgment of the Church cannot err in the matter of canonization, is, since Thomas's own canonization in 1323, and in a way that he could not have anticipated, self-referential. This last point is a reminder that Thomas is, to date, the only master to have produced *quodlibeta* that have come down to us and to have also been canonized a saint.¹⁰⁰

¹⁰⁰ In the fourteenth century James of Aquino reports a story of St Albert the Great having held a *quodlibet*, but no surviving *quodlibet* by Albert is known. See Wippel, "Quodlibetal Questions," p. 162.

APPENDIX: A MANUSCRIPT AT THE CATHOLIC UNIVERSITY OF AMERICA

The Rare Books and Special Collections Department of the John K. Mullen of Denver Library at The Catholic University of America (Washington, D.C.) has a late manuscript witness to the text of Thomas's *Quodlibeta* that is not discussed in Gauthier's survey of manuscripts in the Leonine edition.¹⁰¹ The copy of the text is in a codex called Manuscript 201. The library has notes on the manuscript by Robert Wielockx that identify the contents of MS 201 as follows.

- ff. 2ra–99ra *Questiones de quodlibet Sancti Thome de Aquino ordinis fratrum predicatorum*
- ff. 99rb–163rb Anonymous, *Quaestiones super quartum librum Sententiarum*
- ff. 163va–176ra Thomas Ebendorfer de Haselbach, *Tractatus de quinque sensibus*
- ff. 176rb–179ra Anonymous, *De sepultura hominum*
- ff. 179rb–183vb Anonymous, *Tractatus de Sententia excommunicationis maioris et minoris*
- ff. 184ra–186va Dubium: *An emptio redditum ad vitam, secundum communem modum quo fieri solet facta, sit licita et iusta.*
- ff. 186vb–190va *Sermo de predestinatione magistri Iohannis Gewss*
- ff. 190vb–192rb *De Igne conflagrationis ad extremum iudicij*

Wielockx's notes include a list of variants between the Leonine text of *Quodlibet* VII, q. 1, a. 1 [1], and the presentation of this article in MS 201 (f. 56ra–vb). With reference to R.-A. Gauthier's sorting of manuscripts in the Leonine edition, the notes conclude that the copy of the *quodlibeta* in MS 201 belongs to a German family of witnesses.¹⁰²

¹⁰¹ The Rare Books and Special Collections Department at Mullen Library also has another Aquinas manuscript as a part of Manuscript 200, which includes a fifteenth-century copy of the first half of Thomas's commentary on the fourth book of the *Book of Sentences*. I am grateful to the former Curator of Rare Books and Special Collections, Barbara Henry, and to the present Curator, Lenore M. Rouse, for their assistance.

¹⁰² "The ms. belongs to Gamma/g (Gamma in Germany) and underwent, perhaps, some contamination." Gauthier calls Γ an independent family of manuscripts that transmitted *Quodlibeta* VII–XI (Gauthier, p. X*). Since MS 201 contains *Quodlibeta* I–XII, however, Wielockx's conclusion is problematic.

The transcription, by a Christian Maurer, was completed on 2 January 1478, at Gräfenladen. On f. 99ra the text concludes as follows: “Immensa clemencia finitur *quodlibet* liber Sancti thome de Aquino ordinis fratrum predicatorum in eiusdemque gloriam compositus Per me Cristiannum (sic) Maurer tunc temporis Capellanus (sic) Ad Sanctum Leonardum in gra<>fengaden scriptus Anno domini m^o cccc^o 78 Mensis Ianuary 2^a die veneris indictionis 11<>.” The codex has a nineteenth-century binding and belonged to the library of William E. Nickerson of Somerville, Massachusetts, with a handwritten *ex libris* dated 1878.

Table of Questions

The text (ff. 5rb-99ra) is preceded by an alphabetical table of question-titles (ff. 2ra-5ra), divided according to letters of the alphabet at the right of the text, and subject headings within each letter; the question-titles under each heading follow the sequence of articles in the “traditional” ordering of the *quodlibeta*. The dividing letters and the headings and questions are indicated by paragraph signs. Questions are followed by references, underlined in red, giving the *quodlibet* number and the ordinal place of the article within the *quodlibet* as a whole; divisions into what we call *quaestiones* are ignored. The first letter of the first question within each division is usually a large capital.

One wonders how this table is related to other alphabetical tables mentioned in Gauthier’s survey of 187 manuscripts and 36 editions. Gauthier mentions *tables* or *tables alphabétiques* in a number of manuscripts, and indicates that all of the nine incunabula have alphabetical tables: the table in the first edition (Rome, ca. 1470) begins “<A>b-solutione sacramentali”; those in the other eight incunabula start, like the table in MS 201, with “de angelis.” At least the tables in the fifth edition (Venice 1476) and the tenth (Venice 1501) are substantially the same as that in MS 201.¹⁰³ It would seem to have been

¹⁰³ For Gauthier’s account of manuscripts and printed editions, see his “Préface,” pp. 1*-37*. I owe the remark on the table in the fifth edition to John F. Wippel, who owns a copy of this edition and has kindly compared the table with my transcription of the table in MS 201. For the table in the tenth edition I have consulted the copy in Rare Books and Special Collections at Mullen Library; this copy is bound with John Fisher, *Assertionis Lutheranae Confutatio* (Antwerp 1523).

a standard and widely distributed reference tool accompanying the text of the *quodlibeta* in both manuscript and printed formats in the late fifteenth and early sixteenth centuries.

The table holds much interest of course as a document in the transmission of Thomas's *quodlibeta*. Its arrangement of some sixty topics from *de angelis* to *de Xristo*, and its subdivisions of such particularly important groupings as *de Deo* and *de sacramentis*, reflect the desire of early readers of the *quodlibeta* for a device that would accurately show the topics treated in the *quodlibeta* and the frequency of their occurrence, while also serving as a "search engine" for rapid retrieval of the locations of Thomas's determinations on a given topic. (Incidentally, the quasi-Greek spelling *Xristus* has the effect of segregating many of the questions on Christ in a distinctive place at the end of the index.) Here, then, is yet another order to consider in connection with the *quodlibeta*—not the irrevocably lost order in which questions were originally asked at each *quodlibet*; not the intelligible order that Thomas imposed in each *ordinatio*; and not the chronological order of Thomas's works, his twelve *quodlibeta*, and each of his sets of *loca parallela*—but the utterly arbitrary yet mnemonically useful order of the alphabet, applied to the subjects of the questions asked in the *quodlibeta*.¹⁰⁴

The table is perhaps much older than MS 201, and a proper study of it would take into account all manuscripts and incunabula in which it appears, tracing its origin and comparing it with any other tables of questions for the *quodlibeta*. No such edition being available, and the relevant manuscripts and incunabula not being readily accessible, it seems worthwhile to provide a rough version of it. What follows is a transcription of the table in MS 201 (ff. 2ra–5ra) checked against the table in the Venice 1501 edition (ff. 58v–60r). In noting variants I refer to the former as "*cod.*" and the latter as "*ed.*"

The manuscript's table lists 254 question-titles, ten fewer than the number of articles in the Leonine edition. The 1501 edition has two more titles than does the manuscript, under *De Deo* (subheading *Questiones de potencia Dei*), and I have copied these from the edition. (The manuscript apparently omits them due to the similarity of questions in IX.1.a.un.[1] and XII.2.2[3].) This leaves eight articles not

¹⁰⁴ On the origin of alphabetical subject indexes in the thirteenth century, see M.A. Rouse and R.H. Rouse, *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts* (Notre Dame, IN, 1991), pp. 226–36.

mentioned in the manuscript's copy of the table. Five of them nevertheless have their text copied in both the codex and the manuscript: I.1.1[1]; I.4.3[8]; III.12.1[26]; VIII.5.3[10]; IX.1.a.un.[1]; XII.2.1[2]; and XII.20.a.un.[33].¹⁰⁵ The other three are XII.22.2–3[37–38], and 23.2[40], which, as the Leonine edition shows, consist of nothing more than question-titles. These titles do not occur in the text of the codex; the text of the edition does include one of them (22.2[37]), although unnumbered, but not the other two. The omission of these three question-titles from both the table and the text associates MS 201 with the family of manuscripts Gauthier identifies as α^c .¹⁰⁶

All but nineteen of the 254 references correspond exactly to the numbering in the Leonine edition. One of the nineteen is merely incomplete; one is due to the omitted articles mentioned above; and there is no clear pattern to the other seventeen. I have corrected the nineteen references, conjectured and supplied in angle brackets a few subject headings that seem to be missing from both the manuscript and the edition, corrected or supplied a few terms in the questions, and standardized orthography; the pagination in MS 201 is indicated in bold type.

f. 2ra # Incipiant¹⁰⁷ tituli questionum de duodecim quodlibetalibus sancti Thome de Aquino ordinis predicatorum secundum ordinem alphabeti assignati. Et primo de angelis.

A

Vtrum angelus sit in loco per operationem tantum. *quodlibet* primo articulo iiiii

Vtrum angelus transeat ab extremo ad extremum per medium. *quodlibet* primo articulo v

Vtrum angelus componatur substantialiter ex essentia et esse. *quodlibet* ii articulo iii

Vtrum in angelo sit idem suppositum et natura. *quodlibet* ii articulo iiiii

Vtrum angelus sit causa anime rationalis. *quodlibet* iii articulo vi

Vtrum angelus possit influere in animam rationalem. *quodlibet* iii articulo vii

Vtrum quicquid agit angelus agat per imperium uoluntatis. *quodlibet* vi articulo ii

Vtrum angelus possit esse in conuexo celi empirrei. *quodlibet* vi articulo iii

Vtrum intellectus angelicus possit intelligere singularia. *quodlibet* vii articulo iii

¹⁰⁵ In the manuscript, I.1.1[1] is on f. 5rb–va; I.4.3[8], on f. 8ra–va; III.12.1[26], on f. 30ra–b; VIII.5.3[10], on f. 71va–b; IX.1.a.un.[1], on ff. 74rb–75ra; XII.2.1[2], on f. 93vb; and XII.20.a.un.[33], on f. 98rb–va. In the edition, I.1.1[1] is on f. 2ra; I.4.3[8], on f. 3va–b; III.12.1[26], on ff. 16vb–17ra; VIII.5.3[10], on f. 42va; IX.1.a.un.[1], on f. 44rb; XII.2.1[2], on f. 55va; and XII.20.a.un.[33], on f. 58ra.

¹⁰⁶ See Gauthier, “Préface,” pp. 154*–5*, and the *apparatus criticus* to XII.22.2–3[37–38], and 23.2[40].

¹⁰⁷ Incipit: Incipit *cod*.

- Vtrum in angelo sit compositio accidentis et subiecti. *quodlibet* vii articulo vii¹⁰⁸
- Vtrum angelus sit compositus ex materia et forma. *quodlibet* ix articulo vi
- Vtrum angelus possit cognoscere simul res in Verbo et in propria natura. *quodlibet* ix articulo vii
- Vtrum angelus meruerit suam beatitudinem. *quodlibet* ix articulo viii
- Vtrum angelus moueatur in instanti. *quodlibet* ix articulo ix
- Vtrum angeli possint imprimere uel aliud facere in corpora inferiora. *quodlibet* ix articulo x
- Vtrum duratio angeli habeat prius et posterius. *quodlibet* x articulo iiii
- Vtrum motus angeli sit in instanti. *quodlibet* xi articulo iiii
- Vtrum esse angeli sit accidens eius. *quodlibet* xii articulo vi
- Questiones de anima
- Vtrum per aduentum anime excludantur omnes forme que prius erant. *quodlibet* i articulo vi¹⁰⁹
- Vtrum anima a corpore separata possit pati ab igne corporeo. *quodlibet* ii articulo xiii
- Vtrum anima sit composita ex materia et forma. *quodlibet* iii articulo xx
- Vtrum anima separata a corpore cognoscat/
f. 2rb aliam animam hominis quam in hac uita cognoscit. *quodlibet* iii articulo xxi¹¹⁰
- Vtrum anima separata a corpore possit naturaliter pati ab igne corporeo. *quodlibet* iii articulo xxiii
- Vtrum anima accipiat species quibus cognoscit a rebus que sunt extra eam. *quodlibet* viii articulo iii
- Vtrum anima uegetabilis et sensibilis educantur in esse per creationem. *quodlibet* ix articulo xi
- Vtrum anima sit sue potencie. *quodlibet* x articulo v
- Vtrum anima rationalis sit corruptibilis. *quodlibet* x articulo vi
- Vtrum anima quidque intelligit intelligat in prima ueritate. *quodlibet* x articulo vii
- Vtrum anima separata actum sensitiuarum potenciarum habere possit. *quodlibet* x articulo viii
- Vtrum sint eiusdem substance anima sensitiua et intellectiua. *quodlibet* xi¹¹¹ articulo v
- Vtrum celum sit animatum. *quodlibet* xii articulo ix
- Vtrum anima perficiat corpus immediate uel mediante corporeitate. *quodlibet* xii articulo x
- Vtrum anima sit ex traduce. *quodlibet* xii articulo xi
- Vtrum intellectus humanus cognoscat singularia. *quodlibet* xii articulo xii
- Vtrum habitus sciencie acquisite¹¹² remaneant post hanc uitam. *quodlibet* xii articulo xiii
- <De aqua>
- Vtrum arcus nubium sit signum diluuii non futuri. *quodlibet* iii articulo xxx
- Vtrum aque sint super celos. *quodlibet* iii articulo iii
- <De adulteria>
- Vtrum mulier accusata in adulterio teneatur in iudicio peccatum suum confiteri. *quodlibet* v articulo xvi
- <De alimento>
- Vtrum alimentum conuertatur in ueritatem¹¹³ humane nature. *quodlibet* viii articulo v¹¹⁴
- <De apostolo>
- Vtrum beatus Matheus fuit uocatus statim de theloneo¹¹⁵ ad statum apostolatus et perfectionis. *quodlibet* v articulo xxi

¹⁰⁸ articulo vii: articulo vi *cod.*

¹⁰⁹ articulo vi: articulo v *cod.*

¹¹⁰ articulo xxi: articulo xxii *cod.*

¹¹¹ *quodlibet* xi: *quodlibet* x *cod.*

¹¹² acquisite: acquisitus *cod.*

¹¹³ ueritatem: ueritate *cod. et ed.*

¹¹⁴ articulo v: articulo xvi *cod.*

¹¹⁵ theloneo: theoleno *cod.*

B

Questiones de beatitudine

Vtrum beatitudo sanctorum per priusquam consistat in intellectu quam in affectu uel e conuerso. *quodlibet* viii articulo xix

Vtrum sancti in gloria per prius ferantur ad contemplandam Xristi diuinitatem quam eius humanitatem. *quodlibet* viii articulo xx

Vtrum omnes sancti qui sunt per ecclesiam canonizati sint in gloria uel aliqui eorum sint in inferno. *quodlibet* ix articulo xvi

Vtrum intellectus creatus possit diuinam essentiam immediate uidere. *quodlibet* vii articulo i

/f. 2va Vtrum aliquis intellectus creatus possit uidere Deum per essentiam. *quodlibet* x articulo xvii

De beneficiis et prebendis ecclesiasticis

Vtrum prelatus ecclesie possit ecclesie curam committere suo consanguineo quamuis ydoneo postposito meliori. *quodlibet* iiii articulo xv

Vtrum prelatus qui dat beneficium ecclesiasticum alicui suo consanguineo uel amico ut alii eius amici exaltentur symoniam committat. *quodlibet* v articulo xxiii

Vtrum episcopus peccet dando beneficium bono si pretermittat meliorem. *quodlibet* vi articulo ix

Vtrum ille qui habet plures prebendas peccet ex hoc ipso quod opiniones magistrorum sint in contrarium. *quodlibet* viii articulo xiii

Vtrum habere plures prebendas sine cura animarum absque dispensatione sit peccatum mortale. *quodlibet* ix articulo xv

Vtrum melius faciat qui consentit electionem canonice de se facte quam qui eam recusat. *quodlibet* v articulo xxii

Vtrum necesse sit semper eligere meliorem. *quodlibet* viii articulo vi

De bigamis

Vtrum Papa possit dispensare in bigamia. *quodlibet* iiii articulo xiii

C

De caritate

Vtrum habens caritatem eam cognoscat per speciem. *quodlibet* viii¹¹⁶ articulo iiii

Vtrum caritas secundum suam essentiam augeatur. *quodlibet* ix articulo xiii

De celo empirreo

Vtrum celum empirreum habeat influentiam super alia corpora. *quodlibet* vi articulo xix

De conscientia

Vtrum conscientia erronea liget ad peccatum. *quodlibet* iiii articulo xxvii

De corpore glorioso

Vtrum corpus gloriosum naturaliter possit esse cum alio corpore non glorioso in eodem loco. *quodlibet* i articulo xxi

Vtrum hoc fieri possit miraculo. *quodlibet* i articulo xxii

Vtrum corpus resurgat idem numero. *quodlibet* xi articulo vi

De cruce signato

Vtrum cruce signatus qui moritur antequam iter arripiat habeat plenam indulgentiam peccatorum. *quodlibet* ii articulo xvi

Vtrum uir possit accipere crucem ad transfretandum ultra mare nolente uxore si de **/f. 2vb** eius incontinencie timeatur. *quodlibet* iiii articulo xii

Vtrum melius moriatur cruce signatus qui moritur in uia eundi ultra mare quam ille qui moritur redeundo. *quodlibet* v articulo xiiii

De correctione

Vtrum debeat aliquis in publico uel in priuato corrigere proximum uel fratrem suum. *quodlibet* xi articulo xii¹¹⁷

Vtrum si aliquis sciat peccatum proximi peccet mortaliter referendo illud fratrem prelato suo. *quodlibet* xi articulo xiii

D

De damnatis

Vtrum damnati in inferno gaudeant et consolentur de penis inimicorum suorum quos secum uident in inferno puniri. *quodlibet* iiii articulo xxiiii

Vtrum corpora damnatorum erunt incorruptibilia. *quodlibet* vii articulo xi

¹¹⁶ *quodlibet* viii: *quodlibet* ix *cod.*

¹¹⁷ articulo xii: articulo xxii *cod.*

- Vtrum corpora damnatorum insurgent sine deformatatibus. *quodlibet* vii articulo xii
- Vtrum corpora damnatorum punientur uermibus et fletu corporali. *quodlibet* vii articulo xiii
- Vtrum damnati post diem iudicii uideant gloriam sanctorum. *quodlibet* viii articulo xvi
- Vtrum damnati uellent suos propinquos esse damnatos. *quodlibet* viii articulo xvii
- Vtrum in damnatis sit tantum pena ignis uel etiam pena aque. *quodlibet* viii articulo xviii
- De decimis
- Vtrum propter consuetudinem aliquis deobligetur a iure reddendi decimas. *quodlibet* ii articulo viii
- Vtrum pauper teneatur decimas soluere diuiti sacerdoti. *quodlibet* vi articulo x
- Questiones de Deo. Et primo de eius essentia et esse. De pluralitate personarum
- Vtrum unitas essencie ponat in numerum cum unitate persone. *quodlibet* vi articulo i
- Vtrum immensitas diuina excludat pluralitatem personarum. *quodlibet* vii articulo vi
- Vtrum unitas aliquid positue dicat in diuinis et non remotionem tantum secundum opinionem Magistri. *quodlibet* x articulo i
- Vtrum solius Dei sit proprium esse ubique. *quodlibet* xi articulo i
- Vtrum in Deo sit tantum unum esse scilicet essenziale uel preter illud sit etiam in Deo esse personale. *quodlibet* xii articulo i
- Vtrum Pater eodem uerbo dicat se et creaturam. *quodlibet* iii articulo vi
- Vtrum senarius numerus secundum quod omnes creature /f. 3ra dicuntur esse perfecte sit creator uel creatura. *quodlibet* viii articulo i
- Vtrum filius distinguatur filiationi a Spiritu Sancto. *quodlibet* iii articulo vii
- Vtrum in Deo sit uirtus.¹¹⁸ *quodlibet* iii articulo ii
- Questiones de potentia Dei
- Vtrum Deus possit facere quod materia sit sine forma. *quodlibet* iii articulo i
- Vtrum Deus possit facere unum corpus simul esse localiter in duobus locis. *quodlibet* iii articulo ii
- Vtrum Deus possit aliquid in nihilum redigere. *quodlibet* iii articulo iii
- Vtrum Deus possit id quod in nihilum redactum est idem numero reparare. *quodlibet* iii articulo v
- Vtrum Deus possit uirginem reparare. *quodlibet* v articulo iii
- Vtrum hec sit falsa: Deus possit peccare si uult. *quodlibet* v articulo iii
- Vtrum possit facere quod albedo uel aliqua qualitas corporalis sit sine quantitate. *quodlibet* vii articulo x
- <Vtrum Deus possit facere infinita esse actu. *quodlibet* ix articulo i
- Vtrum Deus possit contradictoria facere simul esse. *quodlibet* xii articulo ii>¹¹⁹
- Vtrum Deus possit facere infinita in actu. *quodlibet* xii articulo iii
- De scientia Dei et primo de ydeis
- Vtrum in Deo sint plures ydee. *quodlibet* iii articulo i
- Vtrum ydee que sunt in mente diuina per prius respiciant res quantum ad naturam singularem quam quantum ad naturam speciei. *quodlibet* viii articulo ii
- Vtrum Deus sciat primum instans in quo potuit mundum creare. *quodlibet* v articulo i
- Vtrum Deus cognoscat malum per bonum. *quodlibet* xi articulo ii
- De prescientia et predestinatione diuina
- Vtrum presciti a Deo possint demereri. *quodlibet* v articulo ii
- Vtrum predestinatio imponat necessitatem. *quodlibet* xi articulo iii
- Vtrum predestinatio sit certa. *quodlibet* xii articulo iii
- Questiones de dyabolo
- Vtrum dyabolus semper substantialiter inhabitet hominem quandocumque peccat mortaliter. *quodlibet* iii articulo viii
- Vtrum dyabolus cognoscat cogitationes hominum. *quodlibet* xii articulo vii
- Questiones de delectatione

¹¹⁸ uirtus: uirtas *cod.*

¹¹⁹ Vtrum Deus . . . *quodlibet* xii articulo ii *om. cod.*

- Vtrum consensus in delectationem¹²⁰ sit peccatum mortale. *quodlibet* xii articulo xxxiiii
- Vtrum primus motus semper sit peccatum. *quodlibet* iiii articulo xxi
- /f. 3rb** Vtrum primi motus in infidelibus sint peccata mortalia. *quodlibet* iiii articulo xxii
- De honore diuitum
- Vtrum ille qui honorat diuitem propter diuitias peccet. *quodlibet* x articulo xii
- Questiones de doctoribus et magistris
- Vtrum liceat petere licentiam in theologia docendi. *quodlibet* iiii articulo ix
- Vtrum auditores diuersorum magistrorum tenentium diuersas opiniones excusentur a peccato erroris si opiniones magistrorum suorum sequantur. *quodlibet* iiii articulo x
- Vtrum magister determinans questiones theologicas magis debeant uti auctoritatibus quam rationibus. *quodlibet* iiii articulo xviii
- Vtrum si per doctrinam aliqui retrahuntur a meliori bono ille teneatur suam doctrinam reuocare. *quodlibet* v articulo xxv
- Vtrum omnia que doctores sancti dixerant sint a Spiritu Sancto. *quodlibet* xii articulo xxvii
- Vtrum aliquis qui potest saluti animarum curam impendere peccet si circa studium tempus occupat. *quodlibet* i articulo xiiii
- Vtrum ille qui semper propter inanem gloriam docuit per penitenciam aureolam recuperet. *quodlibet* v articulo xxiiii
- E
- De ecclesie unitate
- Vtrum sit una ecclesia que fuit in principio apostolorum et que est modo. *quodlibet* xii articulo xx
- Questiones de elemosina
- Vtrum clerici peccent mortaliter si ea que eis superfluunt in elemosinis non largiantur.¹²¹ *quodlibet* vi articulo xii
- Vtrum mortuus detrimentum patiat ex hoc quod elemosine quas mandat dare retardantur. *quodlibet* vi articulo xiii
- Vtrum executor debeat tardare distributionem elemosinarum ad hoc quod res defuncti melius uendantur. *quodlibet* vi articulo xiiii
- Vtrum ille qui non dat pauperi petenti <si> habeat de superfluo peccet. *quodlibet* viii articulo xii
- De eternitate mundi
- Vtrum demonstratiue probare possit mundum esse eternum. *quodlibet* iiii articulo xxxi
- Vtrum celum uel¹²² mundus sit eternus. *quodlibet* xii articulo viii
- De evo
- Vtrum Lucifer sit subiectum cui.¹²³ *quodlibet* v articulo vii
- De excommunicatione
- Vtrum debeant uitari illi excommunicati circa quorum excommunicationem sapientes contrarie opinantur. **/f. 3va** *quodlibet* iiii articulo xiiii
- Vtrum aliquis comedendo, loquendo, seu stando cum excommunicatis peccet mortaliter. *quodlibet* xi articulo ix
- F
- De fato
- Vtrum omnia subsint fato. *quodlibet* xii articulo v
- G
- De gratia
- Vtrum homo absque gratia per solam naturalem arbitrii libertatem possit se ad gratiam preparare. *quodlibet* i articulo vii
- Vtrum Deus semper faciat nouam gratiam. *quodlibet* iiii articulo ix
- H
- De hereticis
- Vtrum certitudo adhesionis in heretico uel malo catholico sit actus fidei uirtutis. *quodlibet* vi articulo vi

¹²⁰ in delectationem: de delectatione *ed.*

¹²¹ largiantur: -untur *cod. et ed.*

¹²² uel: et *cod. et ed.*

¹²³ cui: ei *cod.*

Vtrum hereticis sit communicandum.
quodlibet x¹²⁴ articulo xv

Vtrum heretici redeuntes ad ecclesiam
sint recipiendi. *quodlibet* x articulo xvi

I

De ieiuniis et vigiliis

Vtrum homo possit peccare nimis ieiunando uel uigilando. *quodlibet* v articulo xviii

De infamia

Vtrum aliquis peccat infamiam non repellendo. *quodlibet* x articulo xiii

De ignorantia

Vtrum qui facit contra constitutionem Pape per ignorantiam peccet. *quodlibet* i articulo xix

De imperio

Vtrum imperare sit actus rationis. *quodlibet* ix articulo xii

De intellectu

Vtrum intellectus creatus possit simul plura intelligere. *quodlibet* vii articulo ii

Vtrum noticia que ab Augustino dicitur proles mentis sit in mente sicut accidens in subiecto. *quodlibet* vii articulo iiiii

Vtrum uerbum cordis sit species intelligibilis. *quodlibet* v articulo ix

#M

De magicis scientiis

Vtrum homo sine peccato possit appetere scire magicas scientias. *quodlibet* iiiii articulo xvi

De martirio

Vtrum aliquis absque caritate perfecta possit se martirio offerre. *quodlibet* iiiii articulo xix

Vtrum pati martirium propter Xristum sit in precepto. *quodlibet* iiiii articulo xx <De moriente>

Vtrum liceat ab aliquo moriente requirere quod reuelet statum suum post mortem. *quodlibet* iii articulo xxii

Vtrum maius peccatum sit cum aliquis mentitur facto quam cum aliquis mentitur uerbo. *quodlibet* vi articulo <xvii>

<De mendacio>

Vtrum omne mendacium sit peccatum.
quodlibet viii articulo xiii

N

De negatione Xristi

Vtrum Petrus negando Christum peccauerit mortaliter. *quodlibet* ix articulo xiii

/ f. 3vb

O

De obedientia

Vtrum religiosus teneatur obedire suo prelato ut reuelet sibi aliquod secretum fidei sue comissum. *quodlibet* i articulo xv

Vtrum teneatur sibi obedire ut reuelet occultam culpam fratris quam nouit. *quodlibet* i articulo xvi

Vtrum filius teneatur obedire parentibus carnalibus quantum ad omnia. *quodlibet* ii articulo ix

Vtrum subditus teneatur obedire prelato precipienti reuelationem criminis occulti. *quodlibet* iiiii articulo xii

Vtrum magis sit meritorium obedire prelato quam facere aliquid ad dictum fratris. *quodlibet* vi articulo xi

Vtrum religiosus qui emisit uotum obedientie teneatur in omnibus prelato obedire etiam in indifferentibus. *quodlibet* x articulo x

De officio diuino

Vtrum prebendatus in duobus ecclesiis in die qua diuersum officium fit teneatur utrumque officium dicere. *quodlibet* i articulo xiii

Vtrum ei qui omisit dicere officium diuinum sit iniungendum quod iterato dicat. *quodlibet* iii articulo xxix¹²⁵

Vtrum liceat clerico qui tenetur ad horas canonicas dicere matutinas sequentis diei de sero. *quodlibet* v articulo xxviii

Vtrum clericus beneficiatus teneatur in scholis existens dicere officium defunctorum. *quodlibet* vi articulo viii¹²⁶

Vtrum ille qui uadit ad ecclesiam propter distributiones alias non iturus peccet.¹²⁷ *quodlibet* viii articulo xi

¹²⁴ *quodlibet* x: *quodlibet* vii *cod.*

¹²⁵ articulo xxix: articulo xxvii *cod.*; articulo 19 *ed.*

¹²⁶ articulo viii: articulo vii *cod.*

¹²⁷ peccet: peccat *cod.*

De opere manuali

Vtrum operari manibus sit in precepto.

quodlibet vii articulo xvii

Vtrum illi qui spiritualibus uacant excusentur <a> labore manuum. *quodlibet* vii articulo xviii

De orationi et suffragiis

Vtrum oratio plus ualeat pro se facta quam pro alio. *quodlibet* viii articulo viii

Vtrum suffragia¹²⁸ ecclesie facta pro aliquo diuite equaliter ualeant pauperibus pro quo fiunt si sit equalis meriti. *quodlibet* viii articulo ix

P

Questiones de peccato. Et primo in comuni

Vtrum peccatum sit aliqua natura. *quodlibet* i articulo vii

Vtrum si primus homo non pecasset tot fuissent nati mares quot feminae. *quodlibet* iii articulo xxv

Vtrum si Adam non peccasset non idem homines numero saluarentur. *quodlibet* v articulo viii

Vtrum in peccato actuali prius sit auersio quam conuersio. *quodlibet* vi articulo xvi

Vtrum si aliquis intendat peccare mortaliter quod peccet propter hoc mortaliter. *quodlibet* viii articulo xv

/f. 4ra

De periurio

Vtrum periurium sit grauius peccatum quam homicidium. *quodlibet* i articulo xviii

Vtrum accipiens doctrinam alicuius experimenti sub iuramento non communicandi teneatur seruare iuramentum. *quodlibet* xii articulo xxii

De peccato in Spiritum Sanctum

Vtrum peccatum in Spiritum Sanctum sit irremissibile. *quodlibet* ii articulo xv

De preceptis et consiliis

Vtrum consilia ordinentur ad precepta. *quodlibet* iii articulo xxiii

Vtrum precepta¹²⁹ ordine nature precedant consilia. *quodlibet* v articulo xix

Vtrum peccata que fiunt contra precepta secunde tabule sint grauiora peccatis

que fiunt contra precepta prime tabule. *quodlibet* v articulo xx

De predicatoribus

Vtrum peccatum sit predicatori habere oculum ad temporalia. *quodlibet* ii articulo xii

Vtrum possit predicare propria auctoritate ita ut liceat predicare sine licentia prelati. *quodlibet* xii articulo xxviii

Vtrum aliquis prohibitus a principe seculari debeat dimittere predicationem. *quodlibet* xii articulo xxix

Vtrum liceat predicatoribus recipere elemosinas ab usurariis. *quodlibet* xii articulo xxx

De prelatiis

Vtrum liceat appetere episcopatum. *quodlibet* xii articulo xviii

Vtrum peccatum sit appetere prelacionem. *quodlibet* ii articulo xi

Vtrum malis prelatiis sit honor exhibendus. *quodlibet* viii articulo vii

De purgatorio

Vtrum duorum qui sunt digni equali pena unus possit citius a purgatorio liberari quam alius. *quodlibet* ii articulo xiiii

R

De religiosis

Vtrum religiosus uel monachus peccet mortaliter comedendo carnes. *quodlibet* i articulo xx

Vtrum liceat inducere iuuenes ad religionem uoto uel iuramento. *quodlibet* iii articulo xi

Vtrum illi qui obligati sunt uoto uel iuramento ad intrandum religionem teneantur intrare. *quodlibet* iii articulo xii

Vtrum illi qui sunt in seculo peccatores sint ad religionem attrahendi. *quodlibet* iii articulo xiii

/f. 4rb Vtrum aliquis absque peccato possit aliquem iuramento astringere ad hoc quod religionem non intret. *quodlibet* iii articulo xiiii

Vtrum religiosi qui nichil habent in proprio uel communi possint elemosinam facere que eis proficiat. *quodlibet* iii articulo xv

¹²⁸ suffragia: -ie *cod.*

¹²⁹ precepta: peccata *ed.*

Vtrum religiosus si uideat patrem suum in necessitate absque prelati sui licencia possit claustrum exire ad subueniendum¹³⁰ patri. *quodlibet* iii articulo xvi

Vtrum presbiteri parrochiales et archidiaconi sint maioris perfectionis quam religiosi. *quodlibet* iii articulo xvii

Vtrum pueri non exercitati in preceptis sint recipiendi uel obligandi uoto uel iuramento uel beneficiis alliciendi¹³¹ ad ingressum religionis. *quodlibet* iii articulo xxiii

Vtrum religiosi debeant tollerare suos impugnatores. *quodlibet* v¹³² articulo xxvi

Vtrum ille qui iurauit¹³³ se non intraturum¹³⁴ religionem possit licite intrare. *quodlibet* v articulo xxvii

Vtrum aliquis religiosus expelli debeat propter peccatum de religione si sit paratus corrigi et sustinere penam. *quodlibet* xii articulo xxxvii

De restitutione

Vtrum ille qui pecuniam¹³⁵ accepit mutuo ut redimeret se a latronibus teneatur eam restituere. *quodlibet* v articulo xvii

Vtrum expulsi propter partes possint repetere bona sua ab illis qui sunt in ciuitate manentes. *quodlibet* xii articulo xxiii

Vtrum ille qui mala fide prescripsit teneatur ad restitutionem. *quodlibet* xii articulo xxv

Vtrum ille qui rem alienam consumpsit teneatur ad restitutionem. *quodlibet* xii articulo xxvi

S

De sacramentis. Et primo de baptismo

Vtrum pueri Iudeorum sint baptizandi inuitis parentibus. *quodlibet* ii articulo vii

Vtrum puer in deserto natus possit absque baptismo saluari in fide parentum. *quodlibet* vi articulo iiii

Vtrum baptizatus transmittat peccatum originale in prolem. *quodlibet* vi articulo xv¹³⁶

Vtrum aqua baptismi habeat uirtutem ad emundationem. *quodlibet* xii articulo xv

De sacramento confirmationis

Vtrum solus episcopus debeat conferre sacramentum confirmationis. *quodlibet* xi articulo vii

De sacramento eucariste

/f. 4va Vtrum forma panis in sacramento eucariste adnichiletur. *quodlibet* v articulo xi

Vtrum sacerdos debeat dare hostiam non consecratam peccatori occulto hoc petenti. *quodlibet* v¹³⁷ articulo xii

Vtrum possit totum corpus Christi sub speciebus panis contineri. *quodlibet* vii¹³⁸ articulo viii

Vtrum eodem instanti sub speciebus illis sit substantia panis et corpus Christi. *quodlibet* vii articulo ix

Vtrum in sacramento altaris sint accidentia sine subiecto. *quodlibet* ix articulo v

Vtrum species uini que remanent in sacramento altaris post consecrationem alii liquori commisceri possint. *quodlibet* x articulo iii

Vtrum aliquis possit audire missam sacerdotis fornicarii quin peccet mortaliter. *quodlibet* xi articulo viii

De sacramento penitencie. Et primo de contritione

Vtrum contritus magis debeat uelle esse in inferno quam peccare. *quodlibet* i articulo ix

De confessione

Vtrum sufficiat si aliquis confiteatur scripto. *quodlibet* i articulo x

¹³⁰ subueniendum: seruiendum *ed.*

¹³¹ alliciendi: aliciendi *cod.*

¹³² *quodlibet* v: *quodlibet* ii *cod.*

¹³³ iurauit: iurat *cod.*

¹³⁴ intraturum: inraturum *cod.*

¹³⁵ pecuniam: peccuniam *cod.*

¹³⁶ articulo xv: articulo v *cod.*

¹³⁷ *quodlibet* v: *quodlibet* 2 *ed.*

¹³⁸ *quodlibet* vii: *quodlibet* 8 *ed.*

- Vtrum aliquis possit differre confessionem usque ad quadragesimam. *quodlibet* i articulo xi
- Vtrum sacerdos parochialis debeat credere suo subdito dicenti se alteri <esse> confessum. *quodlibet* i articulo xii
- Vtrum per absolutionem sacerdotis culpa remittatur. *quodlibet* iiii articulo x
- Vtrum prelatus possit subditum suum ab administratione remouere propter aliquid quod ab eo in confessione audiuit. *quodlibet* v articulo xiii
- Vtrum non habens curam animarum possit absolvere in foro confessionis. *quodlibet* xii articulo xvi
- Vtrum in aliquo casu liceat reuelare confessionem. *quodlibet* xii articulo xvii
- Vtrum aliquis possit confessionem audire de indulgentia domini Pape sine uoluntate proprii prelati. *quodlibet* xii articulo xxxi
- De satisfactione
- Vtrum si aliquis sacerdos penitenti dicat, quicquid¹³⁹ boni feceris sit tibi in remissionem peccatorum, sit satisfactio facta. *quodlibet* iii articulo xxviii
- De sacramento matrimonii
- Vtrum mulier que post uotum continentie emissum contraxit matrimonium in facie ecclesie possit absque peccato uiro suo carnaliter commisceri. *quodlibet* iii articulo xviii
- Vtrum ille qui cognouit carnaliter mulierem quam desponderat per uerba de futuro possit habere uxorem illam cum qua postea contraxit per uerba /f. 4vb de presenti. *quodlibet* v articulo xv
- Vtrum possit esse matrimonium inter Xristianum et Iudeam baptizatam ab eo quam carnaliter cognouit post fidem de contrahendo datam. *quodlibet* vi articulo v
- Vtrum ille cuius pater non potest¹⁴⁰ sustentari a filio nisi contrahendo accipiat dotem unde patrem nutrire possit teneatur contrahere ut patrem sustentet. *quodlibet* x articulo ix¹⁴¹
- Vtrum post uotum simplex castitatis aliquis matrimonium contrahens reddere debitum et exigere possit. *quodlibet* x articulo xi
- Vtrum compaternitas causetur ex preambulis ad sacramenta puta ex cathecismo et huiusmodi. *quodlibet* xii articulo xix
- Vtrum maleficia impediunt matrimonium. *quodlibet* xi articulo x
- Vtrum frigiditas impediatur matrimonium. *quodlibet* xi articulo xi
- De sensibus sacre scripture
- Vtrum in uerbis sacre scripture preter sensus literales lateant plures sensus. *quodlibet* vii articulo xiii
- Vtrum debeant distinguere quatuor sensus sacre scripture, scilicet historialis uel literalis, allegoricus, moralis et anagogicus. *quodlibet* vii articulo xv
- Vtrum in aliis scripturis predicti sensus distinguere debeant. *quodlibet* vii articulo xvi
- De sortibus
- Vtrum liceat uti sortibus maxime in apertione librorum. *quodlibet* xii articulo xxxvi
- De suspicione
- Vtrum suspicio sit peccatum mortale. *quodlibet* xii articulo xxxv
- T
- De tempore
- Vtrum sit idem tempus per quod Deus mouet creaturam spiritualem cum tempore quod <est> mensura motus corporalium rerum. *quodlibet* ii articulo v
- De timore
- Vtrum que fiunt ex timore sint uoluntaria. *quodlibet* v articulo x
- V¹⁴²
- De uenditione
- Vtrum uenditor teneatur dicere uitium rei uendite emptori. *quodlibet* ii articulo x
- De ueritate
- Vtrum oportet enuntiabile quod semel est uerum semper futurum esse uerum. *quodlibet* iiii articulo xvii

¹³⁹ quicquid: quidque *cod.*

¹⁴⁰ non potest: nec pater *cod.*

¹⁴¹ articulo ix: articulo xi *cod.*

¹⁴² V: cum De ueritate *cod.*

Vtrum ueritas sit fortior inter uinum, regem et mulierem. *quodlibet* xii articulo xxi

De uerbis humanis

Vtrum uerba humana habeant uim ad mouendum bruta siue serpentes. *quodlibet* xii articulo xiiii

De uestibus

/f. 5ra Vtrum uti preciosis uestibus semper sit peccatum. *quodlibet* x articulo xiiii

De uicariis

Vtrum uicarius alicuius possit uices suas committere alteri. *quodlibet* xii articulo xxxii

De uirginitate

Vtrum aliquis possit esse naturaliter uel miraculose simul uirgo et pater. *quodlibet* vi articulo xviii

De beata¹⁴³ Virgine

Vtrum liceat celebrare conceptionem beate Virginis. *quodlibet* vi articulo vii

De uirtutibus moralibus

Vtrum uirtutes morales sint connexe. *quodlibet* xii articulo xxiii

De usura

Vtrum quicquid aliquis de pecunia usuraria lucratus fuerit reddere teneatur. *quodlibet* iii articulo xix

X

De Xristo

Vtrum in Xristo sint due filiationes. *quodlibet* i articulo ii

Vtrum Xristus in cruce mortuus fuerit. *quodlibet* i articulo iii

Vtrum Xristus fuerit uerus¹⁴⁴ homo in triduo. *quodlibet* ii articulo i

Vtrum passio Xristi sine morte suffecisset ad redemptionem generis humani. *quodlibet* ii articulo ii

Vtrum homines tenerentur credere Xristo miracula uisibilia non facienti. *quodlibet* ii articulo vi

Vtrum anima Xristi possit scire infinita. *quodlibet* iii articulo iii

Vtrum oculus Xristi post mortem fuerit equiuoce oculus. *quodlibet* iii articulo iii

Vtrum Xristus post resurrectionem comederit cibum sibi incorporando. *quodlibet* iii articulo v

Vtrum sit unum numero corpus Xristi affixum cruci et iacens in sepulcro. *quodlibet* iii articulo viii

Vtrum totus sanguis Xristi qui est in passione eius effusus ad corpus eius in resurrectione redierit. *quodlibet* v articulo v

Vtrum Xristus maius dilectionis signum nobis ostendit tradendo corpus suum in cibum <quam> paciendo pro nobis. *quodlibet* v articulo vi

Vtrum fruitio anime Xristi in passione peruenerit usque ad essentiam anime. *quodlibet* vii articulo v

Vtrum in Xristo sint plures ypostases. *quodlibet* ix articulo ii

Vtrum in Xristo sit unum tantum esse. *quodlibet* ix articulo iii

Vtrum in Xristo sit una tantum filiatio. *quodlibet* ix articulo iii

Vtrum Xristus sit descensus ad iudicium in terram. *quodlibet* x articulo ii

Finiunt tituli feliciter.

/f. 5rb Questiones de *quodlibet* Sancti Thome de Aquino ordinis fratrum predicatorum. Incipiunt feliciter.

Primum. Articulus primus.

Quesitum est de Deo, angelo, et homine. De Deo questum est quantum ad diuinam naturam et quantum ad naturam humanam assumptam. Quantum ad diuinam naturam quesitum est

Vtrum beatus benedictus in uisione quauis uidit totum mundum. . .

¹⁴³ beata: sancta *cod.*

¹⁴⁴ uerus: idem *ed. et Leonina.*

FRANCISCAN *QUODLIBETA* 1270–1285
JOHN PECHAM, MATTHEW OF AQUASPARTA,
AND ROGER MARSTON

Girard J. Etzkorn

Four Franciscans have left us written *quodlibeta* from the period between 1270 and 1285.¹ William de la Mare is treated in the next chapter by his modern editor, Hans Kraml. The other three are John Pecham and two of his students, Matthew of Aquasparta and Roger Marston. Pecham's and Marston's *quodlibeta* have been critically edited, the present author being one of the co-editors in both cases, whereas little of Aquasparta's considerable quodlibetal output is in print. Therefore this chapter will provide a brief description of Pecham's and Marston's texts, and an even more brief statement of the *status quaestionis* with Aquasparta.

John Pecham

John Pecham, an English Franciscan philosopher and theologian, defender of Augustinian doctrines, was born about 1230 in Patcham, near Brighton, Sussex. Educated as a youth at the Benedictine monastery at Lewes, he joined the Franciscans at Oxford sometime during the 1250s. He continued his education at Oxford and was sent to Paris in the 1260s to complete his theological studies. He became regent master in the Franciscan chair of theology at Paris in the spring term of 1270. Pecham returned to England sometime after 1271 and was appointed the eleventh Franciscan to be regent master of theology at Oxford. He held this position until 1274, when he was elected the ninth Minister Provincial of the Franciscans in England. In 1277 he was appointed as lecturer to the Papal Curia

¹ Glorieux II, pp. 125–6, assigns two *quodlibeta* to a fifth Franciscan, William of Falegar (or Falgar), whom Glorieux mistakenly identified with Peter de Falco, who was probably not a Franciscan and to whom the *quodlibeta* should be attributed. See Piron's chapter below.

until he was named archbishop of Canterbury on 27 January 1279, the office he held until his death on 8 December 1292.²

Four sets of quodlibetal questions were disputed by Pecham (Doctor Ingeniosus).³ The first was held during Lent of 1270 during his first months as *magister regens* in Paris. During the spring of 1270, he was preoccupied with the defense of the mendicant friars against the attacks of the secular masters, principally against Gerard of Abbeville and Nicholas of Lisieux who had taken up the cudgels from William of St Amour after his having been silenced by ecclesiastical authorities. Prior to his first *Quodlibet*, Pecham had held lectures (disputed questions) *De pueris oblati*s and subsequently *De paupertate* or *De perfectione evangelica*. In the first, he defended the practice of receiving youths at the age of 14 into the novitiate and in the second he upheld the view that the religious state is more perfect than the secular state. Thomas Aquinas, albeit in a different style, was defending his own Dominican Order at the same period of time. John Pecham had a wide range of interests: he authored a treatise on poverty, two works on optics called *Perspectiva communis* and *Tractatus de perspectiva*, a tractate *De anima* and one *On mystical numbers*, plus six sets of Disputed Questions in addition to the two mentioned above: *De verbo divino*, *De Eucharistia*, *De praeceptis divinis*, *De natura lapsa*, *De peccato*, *De stellis*, *De anima*, *De beatitudine animae et corporis* and *De aeternitate mundi*. Other works include a commentary on the Rule of St Francis, a canticle on poverty and a treatise on the spheres.⁴

² On Pecham as theologian, see F. Ehrle, "J. Peckham über den Kampf des Augustinismus und Aristotelismus in der zweiten Hälfte des 13 Jahrhunderts," *Zeitschrift für katholische Theologie* 13 (1889), pp. 172–93; H. Spettmann, "Die Psychologie des Johannes Pecham," *Beiträge zur Geschichte der Philosophie und Theologie* 20 (1919), pp. 1–102; A. Callebaut, "Jean Peckham O.F.M. et L'augustinisme," *AFH* 18 (1925), pp. 441–72; A. Teetaert, "Peckham Jean," in *Dictionnaire de Théologie Catholique* XII/1 (1933), cols. 100–40; T. Crowley, "John Peckham, O.F.M., Archbishop of Canterbury, Versus the New Aristotelianism," *Bulletin of the John Rylands Library* 33 (1951), pp. 242–55; D. Douie, *Archbishop Pecham* (Oxford 1952); G. Etzkorn, "Révision dans l'ordre des Quodlibets de Jean Pecham," *Bulletin de Philosophie Médiévale* 19 (1977), p. 65, and idem, "John Pecham, O.F.M.: A Career of Controversy," in *Monks, Nuns and Friars in Mediaeval Society*, E. King, J. Schaefer, and W. Wadley, eds. (Sewanee, TN, 1989), pp. 71–82; A. Boureau, *Théologie, science et censure au XIII^e siècle. Le cas de Jean Peckham* (Paris 1999); and the introductions to the editions noted below.

³ Ioannis Pecham, *Quodlibeta Quatuor*, eds. G.J. Etzkorn and †F. Delorme O.F.M. (Bibliotheca Franciscana Scholastica [hereafter BFS], 25) (Grottaferrata 1989).

⁴ Editions of his works, in alphabetical order: *Canticum pauperis*, 2nd ed. (Bibliotheca Franciscana Asctica, 4) (Quaracchi 1949); *De numeris mysticis*, ed. B. Hughes, in *AFH* 78 (1985), pp. 3–28 and 333–83; *Expositio super Regulam Fratrum Minorum* (inter opera

In this first of his *quodlibeta*, Pecham was among the first to oppose some of the opinions of Thomas Aquinas. In question 4, for example, the question is raised as to the cause of the fall of Lucifer and the fallen angels. The Angelic Doctor held that a disorder in the intellect was the root cause. As might be expected, in the wake of Bonaventure and his confrères, Pecham countered that the will was ultimately the culprit both of error and of sin. In questions 5 and 6, which deal with heavenly beatitude, our Doctor Ingeniosus again counters “Aquinate intellectualism” by maintaining that heavenly bliss consists principally in the act of the will, because love is better than understanding. However, Pecham was much preoccupied with the criticisms of the secular masters such that in six of the 36 questions he defends the position of the Friars against the attacks levelled by the secular theologians. The “perfect life” (qq. 19–20) consists in the observance of the counsels of poverty, chastity and obedience. One need not observe the commandments perfectly before undertaking the religious vows, since the latter make for a more perfect and easier observance of the commandments. Youths can be accepted into the novitiate at the age of 14 (q. 22). Pecham levels a more acrimonious attack against Gerard of Abbeville and his colleagues in questions 29–30 where he suggests that those who counter papal decrees are not just heretics but schismatics as well and ought to be excommunicated. In question 30, he suggests that those who claim that the secular state is more perfect than the religious state ought to be required to recant and “make restitution.” Thus, preoccupation with current problems is a hallmark of quodlibetal literature and the preoccupation with the aforesaid questions suggests that the *Disputationes de quolibet* were not as “spontaneous” as one might be led to believe.

Bonaventurae, vol. 8, pp. 391–437); *Perspectiva communis*, ed. D. Lindberg, *John Pecham and the Science of Optics* (Madison 1970); *Quaestiones Disputatae*, eds. G. Etzkorn, L. Oliger, H. Spettmann, I. Brady, and V. Potter (BFS, 28) (Grottaferrata 2002); *Quodlibeta Quatuor*, eds. G. Etzkorn and F. Delorme (BFS, 25) (Grottaferrata 1989); *Questions Concerning the Eternity of the World*, ed. V.G. Potter (New York 1993); *Tractatus de anima*, ed. G. Melani (Biblioteca di Studi Franciscani) (Florence 1948); *Tractatus de perspectiva*, ed. D. Lindberg (St. Bonaventure, NY, 1972); *Tractatus de sphaera*, ed. B. MacLaren (PhD Dissertation, Eastern Kentucky University); *Tractatus Pauperis*, cap. 1–6, ed. A. Van den Wyngaert (Paris 1925), pp. 3–72, cap. 7–9, ed. F. Delorme, in *Studi Francescani*, ser. 3, 4 (1932), pp. 47–62 and 164–93, cap. 10, 16, ed. A.G. Little, in *British Society of Franciscan Studies* 2 (1909), pp. 27–55 and 63–87, cap. 11–14, ed. F. Delorme, in *Collectanea Franciscana* 14 (1944), pp. 90–117, and cap. 14, ed. F. Delorme, in *Fr. Richardi de Mediavilla Quaes. Disp. de Privileg. Martini Papae IV* (Quaracchi 1925), esp. pp. 79–88.

Pecham's *Quodlibet* II, frequently called *De Natali*, was probably debated in Advent of 1270. By a strange quirk of history, as a "substitute" for Aquinas's *Quodlibet* XII, the *De Natali* was erroneously included with the Angelic Doctor's quodlibetal corpus at the stationer's in Paris. This explains why the *De Natali Quodlibet* survives in 45 copies, as opposed to one witness for each of the other three. At the time of this quodlibetal session, it would seem that the acrimonious debate between the mendicants and seculars was "temporarily" suspended. In Pecham's *Quodlibet* II we find him opening with the thorny question of "predestination from eternity" followed by questions involving Trinitarian theology, Christology, angelology, psychology, canon law and sacramentology, following more or less the same pattern as Lombard's four books of the *Sentences*. It should come as no surprise that Pecham, in this *Quodlibet*, continues to oppose the views of Aquinas. Against the Angelic Doctor, he holds (q. 4) that the Divine Word is the Son of the Father and as incarnate the son of Mary. In questions 9–10 he holds, again against the opinions of Thomas, that angels were not created in grace nor were they culpable or capable of merit in the first instant of their creation. One rather curious question asks how a "monster" with two heads ought to be baptized, a question which was also raised in Henry of Ghent's *Quodlibet* VI, qq. 14–15.⁵ There is one question (q. 19) wherein Pecham maintains that the hierarchy and lesser clergy should emulate the poverty of Christ and the apostles so that they can distance themselves from temporal solicitude in order to concentrate on spiritual matters, i.e. the care of souls. This would again suggest that the mendicant-secular dispute was in abeyance.

The third *Quodlibet* of Pecham was probably disputed in England while he was master of theology at Oxford and before his election as Minister Provincial of the Friars Minor in England. The one surviving manuscript has come down to us incomplete. It appears to be relatively free of bitterly controversial matter. In the second question the possibility of the Son of God becoming incarnate even if Adam had not sinned is raised and Pecham leaves the question open, paving the way as it were for Duns Scotus's view of the primacy of Christ as the "Firstborn of creation" even if Adam had not sinned.

⁵ Henry of Ghent, *Quodl. VI*, qq. 14–15, ed. G.A. Wilson (Leuven 1987) pp. 156–69.

In question 9 the need for sensible species is denied. In the next question, following closely in the footsteps of Augustine, Pecham once again defends the human need for divine illumination as regards the first intellectual and moral principles, not as media *quod* but as media *quo*. In question 12, he supports the claim for the need for postulating “seminal reasons” (as part and parcel of his “grades of the form” theory), locating them in the substance of the generating agent.

Pecham’s last *Quodlibet*, called *Romanum* because it was debated during his tenure at the Papal Curia in 1277, is also his longest, containing 54 questions in all. In this *Quodlibet* Pecham rehearses many of the themes that came to be typical, and shared by many of his Franciscan colleagues. Prime matter (q. 1) is not just pure potency as Aquinas would have it, but an essence distinct from any form and hence, in principle, “creatable” by God without any form. God knows singulars (q. 3) “by ideal reasons” which are identical with Himself; angels and humans know singulars by way of singular species. Question 5 is a succinct version of his position against the possibility of an eternal world, debated at great length in two disputed questions at an earlier date.⁶ Predestination does not impose necessity on creaturely willing.

In what was at times an acrimonious debate regarding a single form versus a plurality of grades of the form in composite beings, Pecham poses the question (q. 11) as to whether Christ’s “eye” when alive was the same “eye” univocally after his death. This was considered as a test case against the proponents of a single form (Thomas Aquinas, Giles of Rome, Giles of Lessines, Thomas Sutton, Richard Knapwell), because according to their opinion, death would involve a “degeneration” into prime matter and the “creation” of a *forma corporeitatis* which the pluralists regarded as gratuitous; thus Christ’s eye wouldn’t have been the “same.” Pecham calls such a view “frivolous,” “inane,” “foolish.”⁷

Questions 12–13 deal with Christ’s redemptive work, but there is no anticipation of Duns Scotus’s view that Christ would have come had Adam not sinned. Most scholastic theologians upheld the view that somehow angels were composed of act and potency, since only

⁶ *Quaest. Disp. ‘De aeternitate mundi’*, eds. I. Brady, V. Potter, and G. Etzkorn, in *BFS*, 28, pp. 563–94.

⁷ See Solère’s chapter in this volume.

God is pure act. Pecham (q. 15) deals with the issue by distinguishing three “grades” of matter: physical, mathematical and metaphysical. The first is subject to contrareity and quantity; the second is subject to quantity but not contrareity whereby “matter” is intelligible and imaginable; metaphysical matter is intelligible but not imaginable and angels are endowed with this sort of “matter.” In the very next question (q. 16), Pecham maintains that angels are not bodily beings. A series of questions follows on angelic/demonic cognition; in the last of this series (q. 20), our friar avers that no creature (not even a demon) has knowledge of future contingents. Future events cannot be known with certainty by astrology, pyromancy, hydro-mancy, geomancy or necromancy or any such magical *deliria*, as all such would compromise free will in rational creatures; nor do devils have absolute power over the free will of human beings. A number of questions deal with original and personal sin. One question (q. 30) touches on the powers of *fascinatio* where the usual “fables” are alleged: the woman in her menstrual period “infecting” the mirror, the wolf gazing at a person and rendering him “hoarse,” the basilisk able to kill by looking. Some influence is credited to precious stones and the signs of the zodiac, without however affecting the ultimate power of one’s will. One question (q. 35) raises the possibility that “dreamers” and “epileptics” may be more receptive of “revelations” than those who are awake and in full possession of their faculties. Question 36 asks whether the human fetus prior to the infusion of the rational soul can be said to be a “species.” Pecham replies that while he would not place the fetus in the genus of feral men, yet it would be in the genus of animal. To be a species it would have to be capable of generating another individual of the same species. Other questions (qq. 40–41) deal with the Eucharist, where Pecham postulates over 40 miracles required to account for Christ’s presence after transsubstantiation and absence upon the “destruction” of the “species” of bread and wine. Another question (q. 43) deals with the obligation to “perpetual celibacy” for those promoted to orders. Question 44 asks whether a teacher whose primary goal is making money should be bound to restitution, reminiscent of questions 30 and 32 of *Quodlibet* I which were probably directed against Gerard of Abbeville. Why is it, asks Pecham (q. 46), that martyrs rarely survive decapitation? Question 47 raises the thorny and acrimonious issue regarding the papal privilege accorded to the friars whereby they could hear confessions without the consent of the local ordinary.

This became a bone of contention between the seculars and the friars for the remainder of the thirteenth century. Pecham likewise returns to the issue of the relative superiority of the religious state vis-à-vis the secular state (q. 48), this time, however, since he is speaking to the cardinals of the Papal Curia, in a more temperate fashion. Subsequent questions (qq. 49–52) deal with restitution, tithing, and the obligations regarding fasting. The penultimate question (q. 53) asks whether an infidel commits sin in every act, to which Pecham answers in the negative, at least regarding mortal sin. The final question asks about whether a “sculptured scorpion” has curative powers.

The *Quodlibetum Romanum* was probably Pecham’s final contribution of an academic nature.

Matthew of Aquasparta

The Italian Franciscan Matthew of Aquasparta was born around 1240 and died in 1302. He studied theology at the order’s Paris *studium* from around 1268 when Pecham was teaching there, went on to lecture on the *Sentences* in the early 1270s, and served as regent master in the middle of the decade, although he also taught in Bologna at some point in these years. Most of Aquasparta’s *Quodlibeta*, however, stem from his long term as *lector* at the Papal Curia, taking over from Pecham in 1279 and remaining until becoming Franciscan Minister General in 1287. The following year he became a cardinal.

Although important for his administrative functions, Aquasparta also left numerous writings. Most of his works are preserved in an autograph, Assisi, Biblioteca comunale 134, and in another manuscript that Aquasparta corrected: Todi, Biblioteca comunale 44. It appears that the works in these manuscripts follow the sequence of the disputations on which they were based. He left six *Quodlibeta*, the first from Paris in 1278–79 or the previous year, and the other five from Rome between 1279 and 1285, according to Glorieux. Thus rather than the Parisian quodlibetal tradition, Aquasparta belongs more to the southern centers that Sylvain Piron describes in his chapter. Since the first *Quodlibet* stems from a Parisian session, however, there are at least two more witnesses, Paris, Arsenal 457, and London, British Library, Burney 358. Of the over 300 folios of text in the Todi manuscript—which would probably take up 2000 or so pages in a

critical edition—only about 15% is quodlibetal material. Accordingly, the various *Quaestiones disputatae* have received more attention than the *Quodlibeta*,⁸ only a few questions from which have been printed. They concern the sacrament of the Eucharist, the Incarnation, and the Trinity.⁹

Although Victorin Doucet has laid solid foundations for the edition of the *Quodlibeta*,¹⁰ with only 30 pages in print, it is difficult to say anything about Aquasparta's *Quodlibeta* at this point, other than to compare what he holds in the few printed questions to his other treatments of the same issues. The procession of the Holy Spirit will serve as an example. In connection with the Second Council of Lyons of 1274, that is, the council aimed at ecclesiastical union with the Greeks, Matthew of Aquasparta composed one of the best known Franciscan treatises on the *Filioque*. Here he argues for the Latin position that the Holy Spirit proceeds from both the Father and the Son, using generous citations of Greek Fathers and treating the councils at length, inspired by an anonymous Dominican treatise *Contra Graecos* of 1252. Scholars have disagreed about whether Aquasparta's treatise was composed before the council or after 1281 when the union had lapsed. The latter is most likely, for in *Quodlibet* II, question 3,

⁸ In his handy on-line biography, R.E. Houser includes a bibliography of complete volumes of edited works, from www.stthom.edu/houser/matthewofsquasparta.pdf: *Quaestiones disputatae selectae: quaestiones de fide et de cognitione* (BFS, 1) (Florence 1903 and 1957); *Quaestiones disputatae de incarnatione et de lapsu aliaeque selectae de Christo et de eucharistia* (BFS, 2) (Florence 1914 and 1957); *Quaestiones disputatae de gratia*, ed. V. Doucet (BFS, 11) (Florence 1935); *Quaestiones disputatae de productione rerum et de providentia*, ed. G. Gál (BFS, 17) (Florence 1956); *Quaestiones disputatae de anima separata, de anima beata, de ieiunio, de legibus*, eds. G. Gál, A. Emmen, I. Brady, and C. Piana (BFS, 18) (Florence 1959); *Quaestiones disputatae de anima* 13, ed. A.-J. Gondras (*Études de philosophie médiévale*, 50) (Paris 1961); *Sermones de beata Maria virgine*, ed. C. Piana (*Bibliotheca Franciscana Ascetica*, 9) (Florence 1962); *Sermones de S. Francisco, de S. Antonio, et de S. Clara*, ed. G. Gál (*Bibliotheca Franciscana Ascetica*, 10) (Florence 1962).

⁹ In *Quaestiones disputatae de incarnatione* were printed *Quodl.* V, q. 4 (pp. 177–81), *Quodl.* II, qq. 4–6 (pp. 181–91), and *Quodl.* VI, q. 3 (pp. 191–4). F. Veraja, *Le origini della controversia teologica sul contratto di censo nel XIII secolo* (Rome 1960), printed *Quodl.* I, q. 9 (pp. 201–3), and R.L. Friedman, "Trinitarian Theology and Philosophical Issues II: Trinitarian Texts from the Franciscan Trinitarian Tradition, ca. 1265–85," *CIMAGL* 73 (2002) (pp. 21–40), published *Quodl.* II, q. 3 (pp. 34–6) and *Quodl.* V, q. 4 (pp. 36–40).

¹⁰ In *Quaestiones disputatae de gratia*, where Matthew's life, works, and surviving manuscripts are discussed thoroughly in the introduction, Doucet treats the manuscript tradition for the *Quodlibeta* extensively (pp. cxix–cxxiii). A list of questions for the *Quodlibeta* can be found in *Quaestiones disputatae de fide et de cognitione*, pp. 12*–19*.

from 1279–80, Aquasparta returned to a question he had treated in his *Sentences* commentary from the beginning of the decade, asking whether on the Greek position that the Holy Spirit proceeds from the Father alone the Holy Spirit would still be distinct from the Son. Here there are no Greek authorities, but using Augustine, Anselm, and his own arguments, Aquasparta answers in the affirmative, thus establishing himself as an early adherent to a Franciscan position following the secular Gerard of Abbeville and opposed to a more anti-Greek Dominican line. Thus the chronological sequence should be: *Sentences* commentary, *Quodlibet* II, treatise on the *Filioque*.¹¹

Roger Marston

Roger Marston was born around the mid-thirteenth century in one of England's several villages called Marston (Marsh-town). He was most certainly a Franciscan, but it is not known precisely when he entered the Order of Friars Minor. He pursued his theological studies in Paris circa 1269–71 under the tutelage of John Pecham, whose works he knew intimately and used extensively. Upon his return to England, he may again have been one of the bachelors of theology attending the lectures of John Pecham when the latter was *magister regens* at Oxford during the years 1272–75. Marston eventually incepted at Oxford as the 16th Franciscan master there. He is also listed as the 12th master at Cambridge, which some scholars take to mean that he never actually became *magister regens* at Cambridge. Roger's four *Quodlibeta* survive in only one manuscript each, except for a fragment containing *Quodlibet* II, q. 3. They were all held when he was regent master in Oxford between 1282–84. The details of Marston's life, career and works has been thoroughly and carefully documented by Ignatius Brady in his introduction to the *Quodlibeta Quatuor*.¹² In the same introduction, Father Brady¹³ also clarified the relative

¹¹ *Quaestiones disputatae de fide et de cognitione*, pp. 7*–8* and 409–32; Friedman, "Trinitarian Theology," pp. 21 and 34–6. A. Dondaine, "*Contra Graecos*. Premiers écrits polémiques des Dominicains d'Orient," *AFP* 21 (1951) (pp. 320–446), p. 401, argues against Aquasparta's editors, who in "Ad lectorem" in *Quaestiones disputatae de fide et de cognitione*, pp. 7*–8*, insist that the treatise dates from before 1274.

¹² Fr. Rogeri Marston, O.F.M., *Quodlibeta Quatuor*, eds. G. Etzkorn and I. Brady (BFS, 26) (Grottaferrata 1994), pp. 5*–82*.

¹³ *Ibid.*, pp. 54*–69*.

chronology between Marston's Disputed Questions¹⁴ and the four *Quodlibeta*. After his academic career, Marston was subsequently elected Minister Provincial of the English province of the Friars Minor, serving between the years 1292–98. His burial place is listed as being at Norwich, whereas the year of his death (often cited as 1303) is doubtful.¹⁵

In his first *Quodlibet*, Marston didn't waste any time entering the controversial fray. The very first question deals with the possibility of an eternal world wherein predictably he defends the position of Bonaventure and Pecham that an eternal creature is impossible. He repeats some of the Bonaventurian arguments, e.g. the impossibility of infinite revolutions ad infinitum, and adds some of his own making. He concludes by saying that there are other efficacious arguments but he will refrain lest, borrowing a phrase from Arnobius, vulgar prolixity prove loathsome to the wisdom of his listeners.¹⁶ In his second question, which is patently against the view of Thomas Aquinas, Roger maintains that matter is not pure potency but has of itself actuality such that it could be created without any form by divine power.¹⁷ The same issue is taken up again in *Quodlibet* IV, q. 2. In the very next question, Marston again takes issue with Aquinas's view that it is impossible for many non-material forms, viz. angels,

¹⁴ Fr. Rogeri Marston, O.F.M., *Quaestiones Disputatae* (Quaracchi 1932).

¹⁵ On Marston see E. Longpré, "Fr. Rogeri Marston et anonymi doctoris O.F.M. quaestiones ineditae de B. Francisci stigmatibus," *Antonianum* 7 (1932), pp. 239–44; E. Gilson, "Roger Marston: un cas d'augustinisme avicennisant," *AHDLM* 8 (1933), pp. 37–42; F. Delorme, "Questions de Jean d'Erfurt et de Roger Marston. Autour de canon 'Omnis utriusque sexus'," *Studi francescani* 31 (1934), pp. 319–55; S. Belmond, "La théorie de la connaissance d'après Roger Marston," *La France Franciscaine* 17 (1934), pp. 168–87; G. Bonafede, "Il problema del 'Lumen' in frate Ruggero di Marston," *Revista Rosminiana* 33 (1939), pp. 16–30; F. Prezioso, "L'attività del soggetto pensante nella gnoseologia di Matteo d'Acquasparta e di Ruggero Marston," *Antonianum* 25 (1950), pp. 259–326; J. Cairola, "L'opposizione a S. Tommaso nelle Quaestiones disputatae di Rogero Marston," in *Scholastica ratione historico-critica instauranda* (Rome 1951), pp. 449–60; G. Etzkorn, "The Grades of the Form according to Roger Marston, O.F.M.," *Franziskanische Studien* 44 (1962), pp. 418–54; idem, "Roger Marston, O.F.M.: An Example of Thirteenth-Century Anti-Semitic Apologetics," *Cithara* 21 (1982), pp. 3–16.

¹⁶ *Quodl. I*, q. 1 (p. 9): "...sed transeo ne prolixitas vulgata apud omnes vestram sapientiam fastidiret," Arnobius Iunior, *Contra Nationes*, IV, c. 17 (CSEL 4–3, 221; PL 5, 713): "...ne forte prolixitas fastidium audientiae pariat."

¹⁷ *Quodl. I*, q. 2 (p. 11): "Potest [Deus] ergo immediate per se in omnem effectum in quem potest mediante creatura."

to be in the same species.¹⁸ Roger immediately counters with two of Etienne Tempier's condemned propositions "that, because the intelligences do not have matter, God cannot create many of them in the same species" and that "forms cannot be divided except by way of matter."¹⁹ Hence, because forms and matter are distinct realities, God can create either without the other. This question also touches on the principle of individuation. Aquinas's opinion, says Marston, would maintain that all individuation comes from matter, which is false.²⁰ *Quodlibet* I, q. 4, deals with the thorny question as to how God knows future contingents. Again, the Angelic Doctor's view,²¹ namely that the eternal divine "gaze" embraces the essence of all things whether past or future, is opposed. To Marston, this is unintelligible. He doesn't understand how divine intuition can embrace these "essences." Following the lead of Augustine, Marston maintains that God knows future contingents through "ideal reasons." This subject is taken up again in *Quodlibet* IV, q. 5, where the question is raised as to whether Peter could not have denied Christ after the latter told Peter that he would deny him thrice. Subsequent questions are less controversial in nature: on the Incarnation (qq. 5–6), on the Eucharist (qq. 8–10). Regarding the "difference" between essence and existence (q. 11), Roger claims that, regardless of what the philosophers hold, existence is not an accident of essence nor does it fall into a separate category. He does not subscribe to the "intentional distinction" of Henry of Ghent.²²

Generation is the topic of questions 14–18. As to whether generation is partially attributable to the celestial spheres, Marston approves of the time-honored opinion that the empyreal heaven is influential in the human body's reception of the rational soul, the aqueous heaven in the generation of the sensitive soul, the stellar

¹⁸ Thomas Aquinas, *Summa Theologiae* I, q. 88, a. 2 ad 4: "... aliquid affirmative potest cognosci de angelis secundum rationem communem, licet non secundum rationem speciei."

¹⁹ R. Hissette, *Enquête sur les 219 Articles Condammés à Paris le 7 Mars 1277* (Philosophes Médiévaux, 22) (Paris-Louvain 1977), nos. 43 and 110, pp. 82 and 181: "Quod, quia intelligentiae non habent materiam, Deus non posset facere plures eiusdem speciei"; "Quod formae non recipiunt divisionem nisi per materiam."

²⁰ *Quodl. I*, q. 3 (p. 13).

²¹ Thomas Aquinas, *Summa Theologiae* I, q. 14, aa. 9 and 13.

²² Regarding Henry's opinion, Marston states (*Quodl. I*, q. 11, p. 30): "Ista omnia tamquam mihi nimis subtilia non capio."

heavens in the generation of the vegetative soul and the seven (!) planets in the generation of minerals and metals; just as there are seven planets, he says, so there are seven "dominant" metals: gold, silver, copper, amber, tin, lead and iron. As to whether prime matter is the subject of generation, Roger typically holds that the ultimate subject of generation is the composite of matter and the corporeal form. Of course, this accords well with his theory of the plurality of forms (or better perhaps "the plurality of grades of a form" in the wake of his mentor, it would seem, John Pecham).²³ Subsequent questions also deal with generation: can the same form numerically be regenerated after having been corrupted (q. 16); is the form induced into matter by way of intermediate dispositions (q. 17); does the production of the mixture of the four elements occur naturally (q. 18). As to whether vision occurs by extromission or intromission, Marston holds that it is a "mixture" of both (q. 19). In this question he chides those who calumniate the saints as being ignorant of physics and urges them to study carefully the "books of Augustine" where "worldly wisdom is often hidden in theological terminology."

Following questions deal with matters that are generally treated in Lombard's book IV, viz. on questions of sacramentology and eschatology. The question of evangelical poverty is raised in question 28 regarding religious who have taken the vow of poverty and then are raised to the episcopacy. The religious state is somewhat passive consisting in the acquisition of "perfection," whereas prelates are presumed to have acquired "perfection" and are "burdened" with actively dispensing it. However, bishops are not owners of ecclesiastical goods, but their dispensers. In the course of the question, Marston explains that Christ (and the Apostles) carried purses in order to assist those in need. The debate over evangelical poverty between the Franciscans and the secular clergy was to "rage" well into the fourteenth century. It is dangerously ambitious to seek ecclesiastical preferment, warns Marston (q. 30), because "under the guise of fictitious virtue lies hidden the vice of perfect iniquity." Hence to seek the prelacy is presumptuous, because, citing Augustine, "the episcopacy is a burden not an honor."

²³ Cf. G. Etzkorn, "The Grades of the Form according to Roger Marson, O.F.M.," *Franziskanische Studien* 44 (1962), pp. 418-54.

Other than the usual fare running from Trinitarian theology to questions of canon law, there are two questions in Roger's *Quodlibet* II which are especially interesting. Both questions are quite lengthy such that they could not have been part of the usual two-day quodlibetal sessions. The first is found in question 3 entitled: "Whether it can be proved through the prophecies that the Christ has already become incarnate." This question occupies forty pages in the critical edition and clearly falls into the "Contra Iudaeos" literature²⁴ which later became treatises of scholars such as John of Paris and Nicholas of Lyre. Marston divides his question into three principal arguments constituting three articles: 1) the "cessation" of the synagogue and the legalist precepts of the Old Testament; 2) the advent of Christ as predicted by the prophets and the pagan oracles; 3) the growth and spread of the Church. Each of these principal arguments is further divided. The first argues from i) the cessation of legalistic sacrifices; ii) the "transfer" of the priesthood from Judaism to Christianity; iii) the "innovations" of the Christian scriptures; and iv) finally the "dispersal" of the Jewish people. The second article argues from i) the truth of Christ's humanity; ii) the sublimity of his divinity; iii) the holiness of Christ; and iv) the cruelty and suffering of his passion and death. The third article argues from i) the "universality" of the Christian faith; ii) the Church's unity; iii) the success of preachers; and iv) the salvific power and perfection of Christ's doctrine. In support of his claims Roger invokes the prophets of the Jewish scriptures, the pagan sibyls, the astronomers and the Church Fathers. This was undoubtedly either a disputed question involving a number of days' lectures or else a written treatise with no oral counterpart.

In Marston's *Quodlibet* II there is another question (q. 22) which is too lengthy to have been part of a quodlibetal disputation. Under the title "Whether a creature can produce something out of nothing," there follows a question taking up 45 pages in the critical edition, which is actually a long defense of the plurality of forms (or grades of the form) theory defended almost unanimously by the Franciscan theologians of the Middle Ages. In this debate such thinkers as William de la Mare, John Pecham, Matthew of Aquasparta and Richard of Menneville (Middleton) set themselves against the

²⁴ Cf. J. Cohen, *The Friars and the Jews. The Evolution of Medieval Anti-Judaism* (Ithaca 1982), p. 301. Reviewed in *Cithara* 23 (1984), pp. 44–5.

proponents of a single form informing prime matter in each individual, among whom were Thomas Aquinas, Giles of Rome, Giles of Lessines, Richard Knapwell and Thomas Sutton. Between these two "camps" was Henry of Ghent who advocated a duality of substantial forms for humans: the form of corporeity, educed from the potency of matter by the human parents, and the rational form or intellectual soul, infused from without by God. In all other composite beings there was just one substantial form, e.g. the vegetative form in the case of plants and the sensitive soul in the case of animals. Actually it is Thomas Aquinas's views, but more specifically Henry's views, as found in *Quodlibet* IV, q. 14, which Marston seeks to refute in question 22. Roger is particularly interested in defending Augustine's views regarding "seminal reasons" which Henry regarded as gratuitously posited. As with the debate regarding evangelical poverty, the unicity versus the plurality of forms dispute was to continue well into the fourteenth century.

Quodlibet III is considerably shorter, occupying but 53 pages in the critical edition. In question 9 of this *Quodlibet*, Roger again, though briefly, raises the unicity-plurality of forms issue. In his response, Marston notes that it was the "solemn" opinion of certain people that there was but a single form in man, namely the intellectual soul, and that when it was separated from the body, a new form was induced by divine power. However, this person recanted because of problems regarding the body of Christ, viz. whether the body of Christ in the sepulcher was truly the body of Christ. This "solemn" opinion can be attributed to no other than Henry of Ghent.

The last question (q. 25) of *Quodlibet* III had already become a source of acrimonious contention between the religious orders and the secular clergy. It had to do with papal privileges which granted to priests of religious orders, principally the Dominicans and Franciscans, the right to hear confessions anywhere in the world without the consent of the local bishop. Pecham, Marston and Richard of Menneville were among those who defended the privilege, whereas William of St Amour, John of Pouilly, Henry of Ghent and Godfrey of Fontaines argued that the privilege undermined ecclesiastical subsidiarity and compromised the authority of the local ordinary. The privilege granted to the friars was subsequently revoked.

The questions of *Quodlibet* IV typically range from speculative theology to matters pertaining to canon law. In the second question Roger defends the idea that prime matter has its own being and

hence could exist by divine power without any form. Again this had already become the view of most Franciscan theologians. Not unsurprisingly, Marston returns again to one of his favorite themes in question 9 where the question is raised as to whether the vegetative and sensitive forms are part of Christ's bodily composition. Herein he counters the arguments, generally attributed to Aquinas, that the plurality view would go against Aristotle's opinions holding that "generation is not movement" and that "the substantial form is not subject to intensification and remission." The same issue is raised again in question 11, viz. "Whether the dead body of Christ is numerically identical to his body when He was alive." This became a serious argument against the proponents of the unicity of form theory and caused Henry of Ghent and Adenulf of Anagni to retract their previous views. Against some sceptics and doubters, Roger defends (q. 35) the fact that Francis of Assisi received the stigmata and repeats a number of episodes which he gleaned from Thomas of Celano and Bonaventure.

This has been an admittedly eclectic account of Roger Marston's contribution to thirteenth-century philosophy, theology and canon law in his *Quodlibeta*. There are obviously other interesting questions which we have omitted for the sake of brevity.

THE *QUODLIBET* OF WILLIAM DE LA MARE

Hans Kraml

According to the written evidence it is almost certain that the Franciscan William de la Mare was *magister regens* at Paris in the years 1274–75, as Palémon Glorieux and before him Ephrem Longpré have suggested.¹ From his regency there are disputed questions extant, amounting to 26 or so, and among these questions there are eleven that seem to form a *Quodlibet*, as Glorieux has observed.² This *Quodlibet* consists of questions of a very peculiar form compared to the disputed questions contained in the manuscripts. They start with only one argument *pro* and one *contra* and they are all together very short, even if one takes into account that quodlibetal questions are usually much shorter than disputed questions. These features bind together the eleven questions under consideration.³ I think one can safely take them to constitute a *Quodlibet* or at least part of a *Quodlibet*. In fact, I am convinced that there are enough reasons to take the eleven questions to be a whole *Quodlibet*, a short one, but a complete one. The questions are “de quolibet,” ranging from God’s essence and attributes to creation, highest created beings, and the potencies of intellectual beings, from love as the form of the faith, sin and the necessity of correction of others to the completely abstract question of whether truth is only in immortal things. Further, precisely questions 10 to 20, those constituting the *Quodlibet*, are omitted in manuscript

¹ According to MSS Troyes, Bibliothèque municipale 1788, and Oxford, Merton College 237, William de la Mare preached on 29 June 1275 while he was regent master at Paris. See P. Glorieux, “D’Alexandre de Hales à Pierre Auriol. La suite des maîtres franciscains de Paris au XIII^e siècle,” *AFH* 26 (1933), pp. 273–4.

² Glorieux II, pp. 117–18. William de la Mare’s *Quaestiones Disputatae* are in BAV, Borghese 361, ff. 128ra–172vb; Firenze, Laurentiana Plut. 17 sin 8, ff. 147ra–176va; and Assisi, Biblioteca comunale 174, ff. 33ra–51v. Further manuscripts listed in Glorieux II, p. 117, and Glorieux, *Répertoire des Maîtres en Théologie de Paris au XIII^e Siècle* II (Paris 1933), p. 99: Firenze, Laurentiana Plut. 17 sin 7, ff. 1–26; Paris, Arsenal 457, ff. 48rb–79va; Stuttgart, Ms. theol. IV, n. 160, ff. 79–113v. Some of William’s *Quaestiones* appear in other manuscripts, but none belonging to the *Quodlibet*.

³ See F. Pelster, “Les ‘Declarationes’ et les Questions de Guillaume de la Mare,” *RTAM* 3 (1931), pp. 397–412.

Naples, Biblioteca Nazionale, C. 47 (ff. 74–95), which contains most of the other disputed questions, and in manuscript Assisi 174, where several questions are missing. This is an additional argument that questions 10 to 20 form a *Quodlibet*. But the main argument remains that of the different form of the questions together with the fact that these questions cover the material of a Commentary on the *Sentences* of Peter Lombard. The *Quodlibet* contains the following questions:

- 1 Utrum ratio differentiae attributorum divinatorum, supposito quod non differunt re sed ratione, sit in Deo vel in intellectu creato?
- 2 Utrum possit Deus modo mundum istum facere antiquiorem?
- 3 Utrum Deus possit facere idem corpus numero esse simul et semel localiter in pluribus locis absque hoc quod aliquid convertatur in ipsum?
- 4 Utrum Deus sciat primum instans in quo potuit creare mundum?
- 5 Utrum intelligentia singularis sit ab intellectu apprehensibilis?
- 6 Utrum intellectus gloriosus possit simul et semel intelligere multa in actu?
- 7 Utrum voluntas sit potentia activa vel passiva?
- 8 Utrum caritas augeatur solum per meliorem dispositionem subiecti?
- 9 Utrum aliquis ita possit esse perplexus quod necesse habeat peccare mortaliter vel venialiter?
- 10 Utrum ille modus correctionis fraternae qui ponitur Mat. 18 sit in praecepto?
- 11 Utrum veritas sit in solis immortalibus?

There is little doubt, as will be seen below, that the author of the quodlibetal questions is identical with the author of the Commentary on the *Sentences* edited by the present writer.⁴

It has been remarked several times by different scholars that William surely does not belong among the highest speculative spirits of his age.⁵ It may be open to dispute whether this is rather something more like a compliment. It is widely accepted that William de la

⁴ Guillelmus de la Mare, *Scriptum in primum librum sententiarum*, ed. H. Kraml (Bayerische Akademie der Wissenschaften: Veröffentlichungen der Kommission für die Herausgabe ungedruckter Texte aus der mittelalterlichen Geisteswelt, 15) (Munich 1989); *Scriptum in secundum librum sententiarum*, ed. H. Kraml (Bayerische Akademie der Wissenschaften: Veröffentlichungen der Kommission für die Herausgabe ungedruckter Texte aus der mittelalterlichen Geisteswelt, 18) (Munich 1995); *Quaestiones in tertium et quartum librum Sententiarum*, ed. H. Kraml (Bayerische Akademie der Wissenschaften: Veröffentlichungen der Kommission für die Herausgabe ungedruckter Texte aus der mittelalterlichen Geisteswelt, 22) (Munich 2001).

⁵ E. Stadter, *Psychologie und Metaphysik der menschlichen Freiheit. Die ideengeschichtliche Entwicklung zwischen Bonaventura und Duns Scotus* (München 1971), p. 244.

Mare was the most important corrector of biblical texts in the thirteenth century,⁶ with a wide-ranging knowledge of the relevant languages.⁷ Whether William is the “sapientissimus homo” mentioned by Roger Bacon⁸ is open to dispute. I am inclined to reject this attribution because the man is counted among the surviving “senes,” which would imply that William started commenting on the *Sentences* in his old age, because his commentary depends on Bacon’s *Opus Maius*. This is of course possible, although I do not consider it very probable.

With the exception of his authorship of the *Correctorium fratris Thomae*, the biblical correctories and some sermons there is almost nothing known about his activities.⁹ That he taught at Oxford and died around 1292 is commonly accepted. It has always been well known that he was a close follower of Bonaventure, but I would not say that he adopted his ideas without criticism. He knew Thomas Aquinas’ teachings well and sometimes he preferred his doctrines to those of Bonaventure, at least in his Commentary on the *Sentences*. This Commentary is clearly a classical commentary on Peter Lombard and not on Bonaventure, as was once suggested by Ephrem Longpré,¹⁰ although it does use the commentary of Bonaventure. Obviously he also used the Commentary on the *Sentences* of John Pecham. The relation between Bonaventure and Roger Bacon is sometimes considered problematic, and Bacon had serious difficulties with his successor, Jerome of Ascoli.¹¹ William clearly is very friendly to Bacon’s ideas, he adopts his ideas on theology as a scientific doctrine, sometimes he uses his teaching on natural phenomena, and he seems to have

⁶ H. Denifle, “Die Handschriften der Bibel-Correctorien des 13. Jahrhunderts,” *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 4 (1888), pp. 263–311, 471–601; B. Smalley, *The Study of the Bible in the Middle Ages* (Oxford 1952).

⁷ See H. Felder, O. Cap., *Geschichte der wissenschaftlichen Studien im Franziskanerorden bis um die Mitte des 13. Jahrhunderts* (Freiburg 1904), pp. 419–20.

⁸ Roger Bacon, *Opus tertium*, c. 25, in idem, *Opera quaedam hactenus inedita*, vol. I, ed. J.S. Brewer (London 1859), p. 89.

⁹ The most important contributions to the exploration of his life and works are E. Longpré, “La Mare, Guillaume de,” in *Dictionnaire de Théologie Catholique* 8 (Paris 1924), cols. 2467–70; idem, “Maîtres franciscains de Paris. Guillaume de la Mare O.F.M.,” *La France Franciscaine* 4 (1921), pp. 288–302, 5 (1922), pp. 289–306; D.A. Callus, “William de la Mare,” in *New Catholic Encyclopedia* 14 (New York 1967), pp. 928B–929A.

¹⁰ Longpré, “La Mare, Guillaume de.”

¹¹ J. Hackett, “Roger Bacon: His Life, Career and Works,” in *Roger Bacon and the Sciences: Commemorative Essays*, J. Hackett, ed. (Studien und Texte zur Geistesgeschichte des Mittelalters, 57) (Leiden 1997), p. 19.

been in accord with Bacon concerning the importance of the study of languages and of correcting the text of the biblical exemplars at hand in Paris. I think that the study of figures like William is of value as it sheds light on the general teaching of philosophy and theology within a certain period. It shows the steps of transformation of thought and questions that lead to conceptions generally taken to be of importance in the development of human, or at least Western thinking. Surely William's *Quodlibet*, with all its shortcomings, as will be seen, serves as a light illuminating a certain moment of ordinary, average teaching at Paris shortly before the condemnations of 1277. This is the reason why I would like to introduce and discuss some of the themes presented in the *Quodlibet*.

God's Properties and His Unique Essence

Like most of the questions appearing in the *Quodlibet*, the question of the relation between God's essence and the properties attributed to Him, which is the first question of the *Quodlibet*, had been discussed by William in his Commentary on the *Sentences*.¹² It is clear on examination that the quodlibetal question is by the same author as the *Sentences* commentary. The question in itself is interesting for several reasons. First, it marks a step in the development of the idea of a formal distinction elaborated finally by John Duns Scotus.¹³ Second, it is an attempt to clarify the position of Bonaventure with the help of the respective theory of Thomas Aquinas. Third, it may be considered as presenting a step in the development of the idea of God as a unity by the coincidence of differences, which is present in Bonaventure¹⁴ and which emerges as an explicit statement at the end of the Middle Ages in Nicholas of Cusa. Concerning the question of the difference between God's essence and His attributes or properties, Bonaventure's theory marks one possible stance, compared to which Thomas Aquinas became the central proponent of the possible general alternative.

¹² William de la Mare, *In Sententias* I, d. 2, q. 2, ed. Kraml cit., pp. 63–5.

¹³ H. Kraml, "Beobachtungen zum Ursprung der 'distinctio formalis'," in *Via Scoti. Atti del Congresso Scotistico Internazionale Roma 9–11 marzo 1993* I, L. Sileo, ed. (Rome 1995), pp. 305–18.

¹⁴ E.H. Cousins, *Bonaventure and the Coincidence of Opposites* (Chicago 1978).

Bonaventure's considerations of the relations between the unity of the divine essence and the possible differences of properties of this essence lead to a threefold differentiation between the divine persons, the properties constituting these persons and a minor sort of difference between properties attributed to God in His essence as such. These properties constituting the smallest type of differences are, for example, God's power, His wisdom, His goodness and so on. Do these properties constitute real differences within God's essence, or only differences of reason, that is, differences that appear because of different points of view adopted by the intellect of human beings who try to say something about God? Are the differences entirely dependent on the respects under which the human mind directs its attention to God, or is there something more behind the different properties attributed to God? Is there, therefore, a difference between the attributes in God that has a deeper foundation?

According to Bonaventure, there is, in this case, a distinction between a real difference and a mere difference of reason, namely a difference that has its foundation partly in God Himself and partly in the differences of created beings that lead the human mind to acknowledge different properties in God. This is the case because every perfection in creatures has its basis and source in God's perfection and only perfections in creatures can be attributed to God, although these perfections cannot be in God in the same way as they are in creatures. The perfections in creatures are rooted in the absolute perfection of God. The perfections in creatures are the basis for the distinction between the perfections in God. Therefore, the distinctions are in a way real, i.e. they are not only respects under which God's essence is considered by the human intellect. However, the distinctions do not import real differences in God, because it is God's essence as a whole that is imported by the properties and by each of these properties.¹⁵

Evidently, it was a challenge to the following generations of theologians, especially those of the Franciscan Order, to clarify and explain the general idea of Bonaventure. At the same time, I propose,

¹⁵ See for Bonaventure's position B. Jansen, "Beiträge zur geschichtlichen Entwicklung der *Distinctio formalis*," *Zeitschrift für Katholische Theologie* 53 (1929), pp. 317–44, 517–44; T. Szabó, "De distinctionis formalis origine bonaventuriana disquisitio historico-critica," in *Scholastica ratione historico-critica instauranda. Acta Congressus Scholastici Internationalis Romae anno sancto MCML celebrati* (Bibliotheca Pontificii Athenaei Antoniani, 7) (Rome 1951), pp. 379–445.

although I cannot really prove it, that the first attempt to clarify Bonaventure's proposal was made not by a Franciscan but by Thomas Aquinas himself. My first argument for this is that, as far as I can see, Thomas was well acquainted with Bonaventure's Commentary on Peter Lombard's *Sentences* when giving his own lectures on the *Sentences*. Nevertheless, even if this was not the case, Thomas' treatment of the problem can shed light on that of Bonaventure. Thomas developed a view very similar to that of Bonaventure, but a view that opened the way to an alternative interpretation of Bonaventure. It was this alternative route that was taken by some of the Franciscans.

The case developed—probably including intermediary steps—in the way of a reinterpretation of Bonaventure in the light of Thomas' answer to the problem. Thomas gave the famous description of the distinction between the essential properties in God and God's essence as a virtual distinction with a foundation in the thing itself—*distinctio virtualis cum fundamento in re*, as it is usually rendered.¹⁶ Thomas is, furthermore, quite explicit in the explanation of his solution.¹⁷ The different properties have a foundation in reality on the one side in God, on the other side in creation. To this extent, he sides with Bonaventure. Then, he makes clear how this is to be understood on the side of God. In God, there is only one infinite and absolute perfectness that constitutes His essence. This perfectness is the exemplary cause of the perfections of created things, but these can imitate that divine perfection only partly, thus realizing their own specific perfections. In creation, the perfections are realized in different things, thus being really different in the case of their created and therefore necessarily limited and consequently particularized reality. Now, the case is as follows: there is one absolute perfection *in re* in God, the one aspect of reality open to differences of reason only. This absolute perfection can be imitated by created and therefore limited beings only in a manner that leads to a realization of different aspects of

¹⁶ The characterization as *distinctio virtualis* is a contribution of the schools, but it has its *fundamentum in re* in Thomas' explanation, *Summa contra Gentiles* I, c. 31: "Sic enim omnes perfectiones in rebus aliis inventas Deo attribui diximus sicut effectus in suis causis aequivocis inveniuntur. Qui quidem effectus in suis causis sunt virtute ut calor in sole . . . Ex hac igitur virtute sol calidus dicitur non solum quia calorem facit, sed quia virtus per quam hoc facit, est aliquid conforme calori . . . Ita et omnium perfectiones quae rebus aliis secundum diversas formas conveniunt Deo secundum unam eius virtutem attribui est necesse."

¹⁷ Thomas Aquinas, *In Sententias Petri Lombardi* I, d. 2, q. 1, a. 3, sol. See also a. 2 and its solution.

that perfection in different things—*proprietates distinctae in rebus*. The distinction is called “virtual”—*virtualis*—because it emerges from God’s power, His *virtus*. The differences between the perfections are not really differences in God, but are only implicit in His power to give His perfection to creatures that necessarily imitate this perfection in their created, i.e. limited, way as different perfections in different things.

Without the reaction of the Franciscans, or at least of some of them, one could take this clarification as an adequate explication of Bonaventure’s thought. But, as it happens, some of Bonaventure’s pupils saw a different idea in his proposals. This may well be the case; at least I think that it is true that Bonaventure had an idea different from that of Thomas. Although I am not quite sure about the actual sequence of Franciscan masters in Paris around 1270, I think that before that time Walter of Bruges had the regency, followed by John Pecham, who in his turn was followed by William de la Mare.¹⁸

Considering the central texts, it seems that Walter was content with Thomas’ version of the problem. However, John Pecham, who seems to be acquainted with Walter’s view,¹⁹ develops the starting point for a different position. Pecham seems to assume that there is an effective difference in God because it is the efficiency of His essence that produces creatures differently imitating His perfection. Therefore, as he puts it, the difference is effectively, although not formally in God.²⁰ This “*licet . . . non formaliter*” could be a mere slip of the tongue, negligently uttered. But it could also have been said deliberately in order to restrict the possible weight of the distinction. When in the parallel question William de la Mare accepts the version of Pecham and sees the differences in God’s effectivity, he says

¹⁸ There are different scenarios among scholars concerning this sequence, which was proposed by most of the earlier writers like Longpré and Glorieux, and which I have adopted despite remarks to the contrary by others. I still think that many peculiarities are best explained by taking it this way. One of the reasons for this will appear below. There are other, independent reasons to assume Pecham first, then William. As Walter of Bruges became Minister Provincial of France in 1269, his regency must have taken place before that time. William’s Commentary cannot have been written before 1268 because of his quotations from Roger Bacon’s *Opus Maius*. Therefore his regency must be considerably later.

¹⁹ Admittedly, it could be the other way round. Dependencies are not always easily established. In the present case this problem is not a grave one.

²⁰ John Pecham, *In Sententias* I, d. 2, q. 1, a. 3 (Firenze, Biblioteca nazionale, G 4,854, f. 11rb).

that the production of the differences *in re* of the perfections in creatures is due to the fact that God in His perfection is the exemplary cause. God's effectivity has to do with the fact that He, as exemplary cause, has the perfections effectively, but formally, too—*ideo ista attributa sunt in Deo etiam formaliter*.²¹ In this case, I am convinced that the phrase is intentionally uttered.

But what difference does this make? The term "formaliter" is not used by Bonaventure in this context. Its usage has been made very well known by John Duns Scotus, who is famous for the formal distinction. But what does "formaliter" mean when the word is used by John Pecham and William de la Mare? One possible way to find out something about the meaning of the expression "formaliter" in this context may be to remember the use made of the term "formaliter" or "formalis" by Richard Rufus of Cornwall. In his usage, "formal" means very often simply "predicative." For example, he often uses the restriction "*sed non formali praedicatione*." He does this in many cases in his teaching about the Holy Trinity. In these cases, he wishes to say that a sentence of the form "this is such and such" may be true, but "*non formali praedicatione*." This is meant to say that no predicative use is made of the word that stands in the position of the predicate of the sentence. For example, "God is the Holy Spirit" is true, but not in the predicative sense, because "Holy Spirit" is not predicated of God but identified with God, which clearly makes a difference.

When William uses the word "formaliter" he wants to say—as the example of heat and several other allusions in the text of his *Sentences* commentary make clear—that God really has the property according to its form or definition, as for example wisdom and power are different by their very definitions or, consequently, by their form. God is really wise and powerful and so on, whatever real perfection one can attribute to Him. However, in God, as opposed to creatures, these properties coincide, even where there are oppositions among these properties. In the quodlibetal question, this position of the *Sentences* commentary is presupposed. His question there is not whether the properties are truly in God nor what kind of difference there is between the properties and His essence, but why we do

²¹ William de la Mare, *In Sententias* I, d. 2, q. 2, sol., ed. Kraml, p. 64.

attribute different properties to God. His answer is in the usual line that is in accord with Thomas Aquinas' view and above all with the traditional Franciscan concept as may be found, for example, in John Pecham's Commentary on the *Sentences*.²² The answer is that because of the different effects in creation we attribute different properties to God.²³ The reason for this attribution is that, especially with perfections there is nothing that can contribute perfections to other things as good as the perfection itself. If therefore, for example, goodness is found in something, the cause for that goodness must in itself be good, and this in a higher and more noble manner, and the same with wisdom and so on.²⁴

Now, in the question of the *Quodlibet* William makes a few distinctions. There are some attributes that are distinguished because of their difference in creatures. Wisdom, power, will, goodness, entity and so on are different in creatures. Therefore the diversity of the respective attributes is not only a construct of the intellect, because a difference understood as the result of operations of the intellect alone would be superfluous and vain. Other attributes are conceptually distinct²⁵ because of the difference of their connoted effects. An example of this would be the difference between justice and mercy, as both signify the divine essence, but connote different effects.²⁶ Some of the attributes, like power, knowledge and will, connote the exit to an effect, but not to different effects because all three are required in any effect produced by an agent. There are

²² John Pecham, *In Sententias* I, d. 2, q. 1, a. 3 (Firenze, Biblioteca nazionale, G 4,854, f. 11rb).

²³ William de la Mare, *Quaestiones disputatae*, q. 10 (*Quodlibet*, q. 1), resp., BAV, Borghese 361, f. 147rb.

²⁴ William de la Mare, *In Sententias* I, d. 2, q. 2, sol., ed. Kraml, p. 64.

²⁵ "Differunt ratione" I translate as "conceptually distinct." William does not define the term "ratio" for the purpose at hand, but Thomas Aquinas does so in the parallel question of his Commentary on the *Sentences* I, d. 2, q. 1, a. 3, sol.: "... sciendum est quod ratio prout hic sumitur nihil aliud est quam id quod apprehendit intellectus de significatione alicuius nominis. Et hoc in his quae habent definitionem est ipsa definitio . . . Sed . . . non refert utrum illa quae dicuntur habere rationem habeant vel non habeant definitionem." As William is well acquainted with Thomas' question, I think he would roughly agree with the definition there. It seems to me that with "ratio" in this context something like Frege's or Carnap's "intension" or like the "signified" (signifié) of recent Semiotics, for example Umberto Eco's, is aimed at.

²⁶ For this William quotes Peter Lombard, *Libri Sententiarum*, IV, d. 46, c. 3, n. 3, vol. II (Grottaferrata 1981), p. 533. William de la Mare, *Quaestiones disputatae*, q. 10 (*Quodlibet*, q. 1), resp., BAV, Borghese 361, f. 147rb.

still other attributes that connote an effect but do not mean an effective principle like to be, to live, to understand. But all these attributes are conceptually different because they are really distinct in creatures and, in contrast to creatures, they are understood in God. The imposition of the terms has to follow the cases at hand, and these are always cases of created beings that exemplify perfection.

The difference between these attributes in the case of creatures compared to that of God is that in God they are realized in an infinitely perfect manner. As such, they are the exemplary causes for their finite realization in creatures. According to William, this is why Thomas' explanation of the real basis for the intellectual distinction of the attributes in God is insufficient. Following Thomas, the reason why we make a distinction of reason among different attributes in God is that creatures cannot imitate God's infinite perfection except by realizing different attributes as really distinct. Thus, God's one infinite perfection is realized by some creatures as wisdom, by others as goodness and so forth. But this, William says, is not enough, because these attributes would still be in God in an infinitely more perfect way than could be realized in creatures. Therefore, each of the attributes would still need several, in fact infinitely many attributes in order to be apprehensible by a created intellect.²⁷ This is an argument in the *Quodlibet* in addition to that from exemplary causation in the Commentary on the *Sentences*, which is presupposed by the *Quodlibet*.

These considerations belong to the steps leading from an interpretation of Bonaventure's conception of the relation between attributes and essence in God to the idea of a formal distinction in John Duns Scotus. The idea was developed in the framework of a theological problem, and a central one, as for example Thomas Aquinas had stated.²⁸ Scotus used the distinction in a broader sense and for several purposes. Some of the steps between Bonaventure and Scotus have been explored.²⁹ In these scholarly works, the roles of Matthew of Aquasparta, Peter John Olivi, Peter of Trabibus and William of

²⁷ William de la Mare, *Quaestiones disputatae*, q. 10 (*Quodlibet*, q. 1), resp., BAV, Borghese 361, f. 147rb.

²⁸ Thomas Aquinas, *In Sententias I*, d. 2, q. 1, a. 3, sol.: "quia ex hoc pendet totus intellectus eorum quae in primo libro dicuntur . . ."

²⁹ Longpré, "Maîtres franciscains de Paris. Guillaume de la Mare O.F.M. Art. II"; Jansen, "Beiträge zur geschichtlichen Entwicklung der *Distinctio formalis*"; Szabó, "De distinctionis formalis origine bonaventuriana disquisitio historico-critica."

Ware are mentioned. It is probable that one can find several other contributors to an ongoing discussion ranging from Bonaventure and Thomas to Scotus and Ockham and via Francisco Suarez to the present time, where an allusion to this distinction is made by the well-known Australian philosopher David Mallet Armstrong,³⁰ who surely is not suspect of renovating medieval scholastic thinking.

The most interesting point in the whole debate is a deeply philosophical and theological one. It has to do with the conception of God that is accessible to a human being or to an intelligent being other than God. According to Bonaventure, God is in possession of all the perfections possible. These perfections are really in Him and are identical with His infinite essence because every perfection is realized in an infinite way and therefore coincides with every other perfection. This coincidence is God's essence.

For Thomas Aquinas there is in God one total, absolute and infinite perfection that constitutes his absolutely simple infinite and perfect essence. Differences are not really within God in any sense, but only in creatures. God's perfection can be reached by the intellect only by way of abolishing the real differences in creatures in order to come close to the infinite perfection of God. For Thomas, differences must be overcome; the different perfections must be united in a prevalent unity. Within this unity different properties may be considered the result of the imperfectness of creatures.

For Bonaventure, differences must be united in infinity; the different perfections must be brought to their infinite fulfilment in order to coincide with one another, thus leading the human intellect to the very special form of God's unity. This position is at least the result of the Franciscan interpretation of Bonaventure's philosophical theology. The impact of this idea on Nicholas of Cusa is evident, and there is an impact on contemporary philosophy and theology as well.³¹ I think that this impact and the special content is to some extent due to the ongoing discussion that started with Thomas Aquinas, on the one hand, and Bonaventure's followers who contributed to the clarification of his thought, on the other. With or without great influence, William de la Mare belonged to those scholars that finally shaped the reception of Bonaventure's thought.

³⁰ D.M. Armstrong, *A Theory of Universals. Universals and Scientific Realism II* (Cambridge 1978), p. 168.

³¹ See Cousins, *Bonaventure and the Coincidence of Opposites*.

Questions of God's Power

Questions 2–4 of the *Quodlibet* deal with God's relation to His creation. Again, the questions are common to that period. The questions and their treatment show an increasing interest in modal problems. It is well known that the idea of God's power and the difference between His absolute power and His ordained power occupied theologians from antiquity. The difference between absolute and ordained power is especially present throughout the thirteenth century. Yet, the importance of the difference grows considerably in the course of the last decades of the century. The main point of the whole discussion is that it becomes increasingly obvious that there is not only one possibility for having an ordered universe. God could have created a universe of a different order, He could create other worlds, He could have created our world at another place and so on. It becomes clear during the period that God did not create the universe in the way it is because He realized the one and only reasonable order of things, but rather because He willed to have this kind of world. This world is reasonable in its order, but so would have been any other world created by God. In a Neo-Platonist view of necessary emanations of being from the one first cause, there is in fact no room for such a possibility of a different world. The focus of the discussions in the thirteenth century lies in the increasing importance of contingency. Consequently, it is clear for many theologians at the beginning of the fourteenth century that the course of events in the world could radically change with respect to the course known hitherto. John Buridan, Nicole Oresme and Albert of Saxony—probably among others—will even discuss the possibility of a moving earth and a locally fixed sun. As God could have created the world at another time and at another place, the centre of the universe could have been created elsewhere, even outside the earth. With a world that is the necessary and eternal emanation of the first cause, such possibilities are inconceivable. The discussions in the thirteenth century, centred around the problems of God's power, clearly did not aim at results like the developments from the fourteenth century onward, but they in fact led to the ideas of the early beginnings of the natural sciences.

At the same time, it seems to me, the idea of necessity changes. There is always a ring of fate associated with the term "necessity." This overtone and connotation is done away with in the course of the thirteenth century if not, at least among logicians, long before

that time. In the thirteenth century, there is no doubt that any real course of events is contingent. Necessity has to do only with the exclusion of the impossible. The only thing God cannot do is undo what He Himself has done or is doing from eternity. That is the main argument for the usual and generally accepted statement that God cannot undo the past. When William discusses the question whether God could have created the world earlier than He in fact did,³² he distinguishes the case of this world being older than it in fact is, that is, of this world being as old as it is and at the same time older than it is, from the other case of this world being older than it is now. The first case is impossible, and the argument for this is that even God cannot act in such a way that what has happened did not happen.³³ He also cannot act such that the world is older than it is by making it begin earlier than it did begin. Again, it is the question whether this is meant in the sense that both are true, namely that the world began at a certain time and that it began before that time. This is not possible, because it is contradictory. In order to show this he quotes Eustratius³⁴ that not even God can make Himself not be the cause of that of which He has already been the cause. This may be considered one of the versions of an argument for God's power. He is almighty in the sense that He can create or bring about everything that does not involve a contradiction. This means that necessity is conceived in terms of logical necessity. All other kinds of necessity are conditional. There is no necessity in anything that belongs to the realm of reality. The whole theme is part of the broader field of arguments against the eternity of the world. It is in this sense anti-Aristotelian and anti-Platonic, too. Similarly basic assumptions of Aristotelian physics are drawn into doubt, as for example in the next question asking whether God could make one and the same body be at one and the same time locally in different places, independently of whether something is converted into that body.³⁵ This is a question of mainly theological

³² "Utrum possit Deus modo mundum istum facere antiquiorem?" William de la Mare, *Quaestiones disputatae*, q. 11 (*Quodlibet* q. 2), BAV, Borghese 361, f. 147vb.

³³ This is an argument taken from Aristotle, *Ethica Nicomachea* VI, c. 3: 1139b10f.

³⁴ Eustratius, *In Eth. Nic.* VI, c. 2, *Commentaria in Arist. Graeca* XX, ed. G. Heylbut (Berlin 1892), p. 287.

³⁵ "Utrum Deus possit facere idem corpus numero esse simul et semel localiter in pluribus locis absque hoc quod aliquid convertatur in ipsum?" William de la Mare, *Quaestiones disputatae*, q. 12 (*Quodlibet*, q. 3), BAV, Borghese 361, ff. 147vb-148ra.

import, but it demonstrates that ideas of Aristotelian physics could be dismissed on theological grounds. This may not be surprising in a medieval theological context, but it is of importance because it shows the contingent development of thought in history. It is therefore interesting to compare this question with one found among the questions of the *Quodlibeta* attributed to Thomas Aquinas.³⁶

In itself, the question is raised in the context of the explanation of the eucharistic presence of Christ's body at different places simultaneously. One possible argument of an opponent to the teaching of the Eucharist would be that the idea implies a contradiction and therefore is impossible even for God because it accepts the presence of a body, namely Christ's body, at different places at the same time. In the *Quodlibet* of Thomas, the first argument in favour of God's ability to bring it about that one and the same body is at different places at the same time is that of the eucharistic presence of Christ. As God converts the substance of bread without changing its own dimensions and its shape into the body of Christ, Christ is sacramentally, not with the dimensions of his own body, in different places at the same time. The opposing argument states that two different places are distinguished by some contrariety, and because contrariety implies contradictory statements, God cannot bring about two contrarieties at the same time. Therefore, Thomas concludes, God cannot bring it about that one body is at the same time in two places.

This argument obviously needs additional premises in order to be effectively conclusive. However, the additional premise or premises are commonplace in medieval natural philosophy. Thomas himself makes this clear in his solution to the question. He states that a body is locally in a certain place if it is comprehended and circumscribed by the place in its own dimensions. If something is comprehended by a place, it is in that place in such a way that nothing of it is outside the place. Therefore, to assume that something is comprehended by its place and yet is in another place means to accept contradictory statements for the same thing at the same time. Thomas had stated in the previous question³⁷ that contradictory properties cannot be properties of something that exists, and therefore something with contradictory properties cannot be made by God, because it would mean for Him to make nothing. Therefore, Thomas concludes,

³⁶ Thomas Aquinas, *Quodlibet* III, q. 1, a. 2.

³⁷ Thomas Aquinas, *Quodlibet* III, q. 1, a. 1.

one and the same body being at the same time in different places cannot be brought about by God.³⁸ As for the case of the Eucharist, Thomas explains that there is not one body at different places, because if the dimensions of a body are changed into the dimensions of another body, there are not two different dimensions and therefore two different places, but only one place and dimension. Therefore Christ's body is not measured by different places and contained in them, but by one only, namely that of the bread changed into his body.

It is this type of question and this sort of argument that is clearly the target of William's reaction. His question is precisely whether God can make one body be in different places at the same time independently of whether something is converted into that body or not.³⁹ William states that it is to be believed that at least for the case of the Eucharist it is possible that one and the same body be in different places at the same time. As a consequence of this, it seems that William accepts that it is a contingent fact whether it is possible that one and the same body be in different places at the same time or not. It is not the conversion of something into something else that makes possible the existence of Christ's body in the Eucharist, but God's will: "Propterea credo quod illa non est ratio sed sola voluntas et omnipotentia Dei. Et quod facit Deus de corpore Christi in conversione panis potest facere absque conversione, et quod facit de corpore Christi potest facere de corpore alio, et per conversionem alicuius in ipsum sine conversione." Then he quotes Hugh of St Victor:⁴⁰ "Qui corpus fecit, locum fecit et locum in corpore et corpus in loco, et qui fecit ut unum corpus in uno loco esset, fecit sicut voluit et si voluisset aliter facere potuisset et quando vult aliter facit." In addition, he sums up: "Constat quod quia Deus voluit, ideo unum corpus natum est esse in uno loco, non propter aliud, ergo si quando Deus vult aliter esse, aliter esse potest."

One might consider this to be nothing but an entirely arbitrary argument, a special pleading by retreat to God's will instead of giving

³⁸ "Quod autem comprehenditur a loco aliquo ita est in ipso loco quod nihil eius est extra locum illum. Unde ponere quod sit localiter in hoc loco, et tamen sit in alio loco, est ponere contradictoria esse simul. Unde, secundum praemissa, hoc a Deo fieri non potest"; Thomas Aquinas, *Quodlibet* III, q. 1 a. 2, sol.

³⁹ "Utrum Deus possit facere idem corpus numero esse simul et semel localiter in pluribus locis absque hoc quod aliquid convertatur in ipsum?" William de la Mare, *Quaestiones disputatae*, q. 12 (*Quodlibet*, q. 3), BAV, Borghese 361, f. 147vb.

⁴⁰ Hugh of St Victor, *De sacramentis* II, pars 8, c. 11 (PL 176, cols. 469C–D).

a real argument. This would indeed be the case from the point of view of an essentialist theory of knowledge and ontology, as Thomas' theory, for example, is to some extent. However, this kind of argument may be considered as hiding an entirely different point of view. We have to take into account that William shares the traditional assertion that God cannot do anything that is contradictory or leads to a contradiction, just because this means doing nothing at all. If someone who accepts this principle apparently resorts to miracles or arbitrary acts of will, this may show something different, namely a difference in conceptual framework. Indeed, I think that for William as for some other medieval thinkers the connection between a body and the place it may occupy is not something like a conceptual relation, but an arbitrary one. These thinkers have a different conception of place, locality, space and body in mind. The Aristotelian idea of space as the place and the surroundings of the substances is gradually being abandoned by those thinkers. Locality and space are conceived as accidental in relation to substances like bodies. The contradiction shown by Thomas could not appear where locality is not essential to a body. To me, it seems to be a highly abstract idea to conceive of a space in which one and the same body could appear in different places at the same time. Yet, it does not seem absurd. It entirely depends on the conception of space and locality one might use. At any rate, according to the argument of William, the question is not one of the conceptual proprieties of the term "body," but one of empirical fact. William does not expect one and the same body to appear at different places outside the case of the Eucharist, but for him, this is so because it is ordained that way by God Who could have done otherwise. To me all this points to the type of thought which was beginning to develop in the fourteenth century.

God's Knowledge of His Own Actions

It is a strange question whether God knows the first moment in which He could have created the world.⁴¹ The very same question is asked by John Peckham in his *Quodlibet Romanum*.⁴² It seems to me

⁴¹ "Utrum Deus sciat primum instans in quo potuit creare mundum?" William de la Mare, *Quaestiones disputatae*, q. 13 (*Quodlibet*, q. 4), BAV, Borghese 361, f. 148rb.

⁴² *Joannis de Peckham Quodlibet Romanum*, q. 5, ed. F.M. Delorme (Spicilegium Pontificii Athenaei Antoniani, 1) (Rome 1938), pp. 16–18.

that there is a close connection between William de la Mare's question and that of John Pecham. From Pecham's considerations, it is clear that the question has to do with the controversies about the possibility of an eternal creation, which Thomas had maintained to be reasonable. According to him, the temporal creation of the world is known to us by revelation. According to the Franciscans (and others), an eternal world is impossible and its contrary need not be revealed. The question of course has to do with the tricky problems of infinity. For Pecham as well as for William a world that exists for an actually infinite time is impossible because it involves the paradoxes of the infinite and therefore is contradictory. Nevertheless, according to both, there is no first moment before which the world could not have been created. God could have chosen any moment *ad infinitum* before the one that He actually chose. This infinity involves potentiality and therefore is sound. The connection between the two quodlibetal questions can be seen from the fact that in the solution to the question of both authors almost the same phrase is used. William's wording is: "Respondeo: dico quod non est dare primum instans in quo potuit Deus creare mundum nec Deus novit tale instans quia falsum et impossibile est tale instans esse vel fuisse."⁴³ Pecham's answer starts with almost the same words, but is then more explicit about the explanation of the impossibility of a first moment in which the world could have been created.⁴⁴ In both authors it is potential infinity that is brought to bear in contrast to eternity, which is never reached by any process that is potentially infinite.

The Intellect

The questions 5 and 6 of the *Quodlibet* deal with the intellect. The question is, first, whether a singular intelligence can be apprehended by the intellect, which is reduced to the question of the intelligibility of singular things and answered in the affirmative. The famous

⁴³ Cf. *ibid.*, p. 17. Nevertheless I am unable to establish which text depends on which, although I think that William's text is earlier than Pecham's, but this is mainly for historical reasons because Pecham was *magister Sacri Palatii* between 1276 and 1279, whereas William seems to have been *magister regens* before that time.

⁴⁴ Despite controversies between Thomas and the Franciscans, the very same question is asked in the fifth *Quodlibet* of Thomas, q. 1, and answered by the author in the same sense and again with very similar wording, which in the case of Pecham and William may be borrowed from Thomas' *Quodlibet*.

arguments of Boethius and Aristotle that universality is accessible to the intellect and singularity to the senses⁴⁵ are explained as meaning that the senses are exclusively able to deal with the singular cases, whereas the intellect comprehends the universal in addition to the singular which it also understands. The intellect must be able to recognize and apprehend the singular because otherwise it could not make propositions where one term is a term of a singular, it could not introduce names for singular things and it could not distinguish between the universal and the singular. Again, the position is typically Franciscan, although it is not easy to locate exactly the possibly different positions. In the respective question in Thomas' *Quodlibet* XII, q. 8, a. 11, it is said that the human intellect does not know the singular case or thing directly because intellectual cognition is in the case of the human intellect mediated by a similitude or species. The intellect therefore knows directly only the universal. The difficulty of finding out precisely what the difference is has to do with the definition of "intellect," on the one hand, and with a clarification of what is meant by direct and indirect cognition in the case of intellectual cognition, on the other. It is clear that difficulties of this kind could lead to the idea of challenging the concept of knowledge via species, as happens in the following period with Peter John Olivi and others, ending finally in Ockham's complete refutation of species.⁴⁶

The questions that follow deal with the problem whether the intellect in eternal glory would be able to apprehend simultaneously several things actually, whether the will is an active or a passive potency, whether the augmentation of love (*caritas*) takes place by a better disposition of the subject, about the "casus perplexus" in the case of committing a sin, whether fraternal correction is a precept or a suggestion only, and finally, whether truth is in immortal things only. All these questions can be found in different *quodlibeta* by other authors, for example again in the quodlibetal questions attributed to Thomas, but also, as in the case of the fraternal correction, in Walter of Bruges, for example. This again shows that these *quodlibeta* are a product of ordinary teaching, perhaps arising from internal discussions.

⁴⁵ "Universale est dum intelligitur, singulare autem dum sentitur," *Les auctoritates Aristotelis*, ed. J. Hamesse (Louvain-Paris 1974), p. 294. Cf. Aristoteles, *Physics* 1, c. 5: 189a5–8; Boethius, *De consolatione* V, prosa 6 (PL 63, 862A).

⁴⁶ See for this K.H. Tachau, *Vision and Certitude in the Age of Ockham. Optics, Epistemology and the Foundations of Semantics 1250–1345* (Studien und Texte zur Geistesgeschichte des Mittelalters, 22) (Leiden 1988).

Sometimes the questions seem to give something like general and summary conceptual clarifications, as is the case with the last question of William's *Quodlibet*, whether truth is in immortal things only.

Truth and Eternity

According to Augustine, there is no truth except in immortal things.⁴⁷ However, since God has created all of the finite beings, He could not have produced only falsities. It therefore seems that even in finite beings there must be truth. In order to settle the question, William makes a six-fold distinction of the meaning of "truth" and "true." First, truth may be considered as being opposed to signs, and, in this case, truth would mean the thing signified by a sign. In another sense, truth is opposed to falsity in the sense of appearances of something that is not the case or that is otherwise than it appears, as we often speak of false people when we want to say that they pretend to be something that they are not. In a third way, we speak of truth in the case of purity, as we speak of true silver in the sense of pure silver without admixtures. In this sense, we can even speak of things that are truer than others. In a fourth sense, we speak of the truth of a thing if we want to stress the essential and substantial properties of something as opposed to accidental features and circumstances. In a fifth sense, we speak of the truth of the Creator as opposed to everything created, which, as compared to His essential and necessary truth, is mere falsity and non-being. In a sixth sense, we speak of the truth of an utterance if this utterance says what in fact is the case for things outside the utterance and independent of it. Here, truth means, according to Avicenna, the adequation of a proposition and that which the proposition is about. It is in the fifth sense that truth is only in immortal things. In all the other cases, truth is even in finite beings. The text of Avicenna used by William is one of the central arguments against sceptical positions, showing that denying the possibility of truth as opposed to falsehood would, in speech, lead to the end of all talking.⁴⁸ In this context, there appears the famous dictum that a stiff-necked sceptic should be thrown into

⁴⁷ Augustine, *Soliloquia* I, c. 15, n. 29 (PL 32, col. 884).

⁴⁸ Avicenna, *Philosophia prima* tr. 1, c. 8, ed. Van Riet, vol. I (Louvain 1977), pp. 60–2.

the fire and beaten because according to him that would not make any difference. Duns Scotus uses the text of Avicenna for his own remarks on sceptical positions.⁴⁹ Avicenna's theory is one of the most important contributions to the question of truth in general and to the various ways of speaking about truth that can be distinguished, and it has influenced the history of the discourse on truth. The convergence of the Avicennian considerations with those of Augustine in his *Soliloquia* is on the one hand astonishing, but on the other hand explainable by the general Platonic inclinations of both Augustine and Avicenna.

William de la Mare's short *Quodlibet* shows the close connections between the masters of his day. Thomas Aquinas is present almost throughout. Interestingly, William draws on those *quodlibeta* of Thomas that, according to the editors of the 25th volume of the *Editio Leonina*, are attributed to his second stay at Paris from 1269–72. As far as the Commentary on Peter Lombard's *Sentences* is concerned, there is no hostility against Thomas, despite the sometimes obvious differences between him and the Franciscan masters. This is even true for John Pecham, and I have the impression that, for example, Walter of Bruges goes very far along with Thomas. For some of the questions raised in the *Quodlibet* it would of course be of interest to see the further development, for example with Matthew of Aquasparta, Richard of Menneville (Middleton), Peter John Olivi, Peter of Trabibus and so on. The different arguments and reflexions may have shaped the discussion that gradually leads out of the Middle Ages to Dante, Petrarch, Nicholas of Cusa and finally into the Renaissance.

⁴⁹ John Duns Scotus, *Ordinatio* I, d. 38, q. 2, and d. 39, qq. 1–5, ed. Balic (*Opera Omnia*, 6) (Vatican City 1963), p. 415 (Appendix A). Obviously taken from *Reportata Parisiensia* I, d. 40, ed. Wadding, vol. XI.1, p. 220.

DOING THEOLOGY (AND PHILOSOPHY) IN THE FIRST PERSON: HENRY OF GHENT'S *QUODLIBETA*

Pasquale Porro*

For Martin Grabmann the fifteen *Quodlibeta* of Henry of Ghent represent “das wertvollste Quodlibetalienwerk des Scholastik.”¹ I would hesitate to assign them such supremacy, but I will concede that Henry’s quodlibetal questions offer a particularly significant example of this specific literary genre. Glorieux, for his part, had no doubts in maintaining that Henry’s *Quodlibeta* “constituent la partie la plus importante de sa production littéraire.”² This evaluation, too, should perhaps be attenuated; it might be more correct to say that for Henry himself the quodlibetal questions were just as important as the ordinary ones. Yet beyond such subtleties, today—when about half of the *Quodlibeta* are finally available in a new critical edition³—

* I would like to thank Lisa Adams for her help in preparing the English version of this article.

¹ M. Grabmann, “Bernhard von Auvergne († nach 1304), ein Interpret und Verteidiger des hl. Thomas aus alter Zeit,” *Divus Thomas* 10 (1932) (pp. 23–35), p. 34; also in idem, *Mittelalterliches Geistesleben* II (München 1936) (pp. 547–58), p. 557.

² Glorieux I, p. 87.

³ Before the critical edition, the *Quodlibeta* were available in the following antique editions: *Quodlibeta* Magistri Henrici Goethals a Gandavo Doctoris Solemnis: Socii Sorbonici: et Archidiaconi Tornacensis, cum duplici tabella. Vaenundantur ab Iodoco Badio Ascensio, sub gratia et privilegio ad finem explicandis. Parisiis 1518 (reprint Louvain 1961; hereafter indicated as Bad.); Magistri Henrici a Gandavo, Doctoris acutissimi et celeberrimi, Archidiaconi Tornacensis, Aurea *Quodlibeta*, hac postrema editione commentariis doctissimis illustrata M. Vitalis Zuccolii Patavini, Venetiis 1608, apud Marcum Claserium, 2 vols.; M. Henrici Goethals a Gandavo Doctoris Solemnis, Socii sorbonici, Ordinis Servorum B.M.V. et Archidiaconi Tornacensis, Aurea *Quodlibeta*, hac postrema editione commentariis doctissimis illustrata M. Vitalis Zuccolii Patavini Ordinis Camaldulensis, Theologi Clarissimi . . . , Venetiis 1613, apud Iacobum de Franciscis. In the series *Henrici de Gandavo Opera Omnia* (Leuven, 1979–; hereafter HG00) the following volumes have already been published: *Quodlibet* I, ed. R. Macken, 1979 (HG00, 5); *Quodlibet* II, ed. R. Wielockx, 1983 (HG00, 6); *Quodlibet* VI, ed. G.A. Wilson, 1987 (HG00, 10); *Quodlibet* VII, ed. G.A. Wilson, 1990 (HG00, 11); *Quodlibet* IX, ed. R. Macken, 1983 (HG00, 13); *Quodlibet* X, ed. R. Macken, 1981 (HG00, 14); *Quodlibet* XII, q. 1–30, ed. J. Decorte, 1987 (HG00, 16); *Quodlibet* XIII, ed. J. Decorte, 1985 (HG00, 18). The long

the substance of these evaluations conserves much of its weight. Henry certainly showed a predilection for this type of disputation, which—together with the collection of ordinary questions—became his preferred didactic tool and means of spreading his thought. It's worth remembering that, after Gerard of Abbeville (the author of 20 *Quodlibeta*) and together with Godfrey of Fontaines (the author of 15), Henry of Ghent is quantitatively our richest source of this literary type.

Moreover, unlike most of his contemporaries, Henry seemed not to like particularly the form of the commentary. Indeed, we cannot at present attribute to him with absolute certainty any commentary on Aristotle (as a result of his supposed period of teaching in the Faculty of Arts), nor on the *Sentences*. As far as biblical commentary is concerned, the only exception is a piece dedicated to the first six days of creation.⁴ Actually we mustn't rule out that a commentary on the *Physics*, and perhaps even one on the *Metaphysics*, previously attributed to Henry, may turn out to be authentic.⁵ It's more than

version of *Quodl.* XII, q. 31, must be added to these volumes, that is, the *Tractatus super facto praelatorum et fratrum*, eds. L. Hödl and M. Haverals, 1989 (HGOO, 17). For the manuscript tradition of the *Quodlibeta* and a complete list of the questions, see R. Macken, *Bibliotheca manuscripta Henrici de Gandavo*, 2 vols., 1979 (HGOO, 1–2). For the complete bibliography available on Henry, see P. Porro, *Enrico di Gand. La via delle proposizioni universali* (Bari 1990), esp. pp. 175–210; M. Laarmann, “Bibliographia auxiliaris de vita, operibus et doctrina Henrici de Gandavo,” *Franziskanische Studien* 73 (1991), pp. 324–66; M.A. Santiago de Carvalho, “Henrique de Gand. Bibliografia,” in *No sétimo Centenário da Morte do Filósofo e Teólogo Henrique de Gand (= Mediaevalia 3 [1993])*, pp. 213–35; R. Macken, *Bibliographie d'Henri de Gand* (Leuven 1994); P. Porro, “Bibliography,” in *Henry of Ghent. Proceedings of the International Colloquium on the Occasion of the 700th Anniversary of His Death (1293)*, W. Vanhamel, ed. (Leuven 1996), pp. 405–34; O. Weijers, *Le travail intellectuel à la Faculté des arts de Paris: textes et maîtres (ca. 1200–1500). IV. Répertoire des noms commençant par H et J (jusqu'à Johannes C.)* (Turnhout 2001), pp. 53–60; P. Porro, “Bibliography on Henry of Ghent, 1994–2002,” in *Henry of Ghent and the Transformation of Scholastic Thought. Studies in Memory of Jos Decorte*, G. Guldentops and C. Steel, eds. (Leuven 2003), pp. 409–26.

⁴ Cf. Henricus de Gandavo, *Lectura ordinaria super sacram scripturam* (attr.), ed. R. Macken (HGOO, 36) (Leuven-Leiden 1980); the same edition had appeared earlier in the series *Analecta Mediaevalia Namurensia*, 26 (Louvain-Paris 1972); some fragments had already been published in B. Smalley, “A Commentary on the *Hexaemeron* by Henry of Ghent,” *RTAM* 20 (1953), pp. 60–101. More recently Gordon Wilson has discovered in Henry's *Summa* (art. 6, q. 3) at least one reference to a general division of Sacred Scripture, which could be identified with the *Lectura*. Cf. G.A. Wilson, “A Note Concerning the Authorship of the *Lectura ordinaria* Attributed to Henry of Ghent,” *RTAM* 56 (1989), pp. 227–31.

⁵ The commentary on Aristotle's *Physics* in question is contained in MS Erfurt, Amplon., F. 349, ff. 120ra–184rb, while the commentary on the *Metaphysics* is contained in MS Madrid, Escorial, h. II. 1, ff. 1ra–73rb. The Erfurt commentary has

likely that Henry's teaching obligations included reading and commenting on the *Sentences*. Nevertheless, in his authentic works (the *Quodlibeta* and the *Summa quaestionum ordinariarum*) Henry never refers to writings of this type. And since Henry loves to quote himself—the two main collections of questions are full of explicit cross-references—we can assume that the choice is not casual: Henry probably preferred those literary forms in which he could express himself more directly.

Yet there are inevitable differences between the *quaestiones ordinariae* and the *quaestiones de quolibet*, which are mainly due to their respective genres. The former follow a definite scheme, a predetermined plan, which includes a methodological introduction to theology, the demonstration of the existence of God and an examination of His attributes (in that part of the *Summa* which was actually completed). The latter obviously present a more rich and varied panorama, which includes a series of references to current debates, contemporary events and the positions of the different interlocutors. If we consider that the *Summa* is unfinished and, moreover, that it is missing the *pars* relating to creatures,⁶ then the *Quodlibeta* represent for Henry an occasion to clarify not only certain theological matters dealt with in the *quaestiones ordinariae*, but also the more strictly philosophical part of his production. As we shall see, it is the creatures that here absorb most of his interest, from separate substances to inanimate substances. So, while reflecting the teachings of a master of theology, the *Quodlibeta* cover a vast range of subjects: from metaphysics to natural philosophy, angelology to anthropology, social and civic ethics to politics in the strict sense, and ecclesiology to the deontology of the university masters and sexual morality.

been partially edited, cf. R. Perron, *Les livres trois et quatre des Quaestiones super VIII libros Physicorum attribués à Henri de Gand. Texte inédit et introduction* (PhD Dissertation, Université Catholique de Louvain, 1961), 3 vols. *pro manuscripto*; L. Bellemare, *Les Quaestiones super VIII libros Physicorum attribués à Henri de Gand (ms. Erfurt, Ampton., F. 349, ff. 120ra–184rb). Étude et texte des questions sur les livres I et II* (PhD Dissertation, Université Catholique de Louvain, 1964), 2 vols. *pro manuscripto*. On the Escorial commentary, cf. P. Porro, "Le *Quaestiones super Metaphysicam* attribuite a Enrico di Gand: elementi per un sondaggio dottrinale," *DSTFM* 13 (2002), pp. 507–602 (including the edition of selected questions). In general on the *inedita* attributed to Henry cf. R. Macken, "The *inedita* of Henry of Ghent Rediscovered," in idem, *Essays on Henry of Ghent* (Leuven 1994), pp. 7–22.

⁶ Cf. M.A. Santiago de Carvalho, "On the Unwritten Section of Henry of Ghent's *Summa*," in *Henry of Ghent*, Guldentops and Steel, eds., pp. 327–70.

We shall be able to verify later the statistical division of the questions according to their different subject matter. Here we'll concentrate our attention in general not so much on the specific doctrinal content—which would be impossible in any case—as on some of the typical features of the genre and the peculiarities that we encounter in Henry in this regard.

Chronology and Circulation

The dating of Henry's *Quodlibeta* was studied and utilised by Glorieux as an example of the general method to follow in dating the different collections of *Quodlibeta*.⁷ Though accurate, for some *Quodlibeta* Glorieux's examination leaves a margin of oscillation in determining the exact year and session of the disputation (Easter/Christmas). Some clarifications were introduced by Teetaert, Hocedez and Lottin:⁸ the first on a codicological basis, the others on the basis of chronological data in relation to the works of Richard of Menneville (Middleton) and Giles of Rome. In his important monograph on Henry of Ghent (1938), Jean Paulus proposes moving by one year, with respect to Glorieux's calculation, the dates of *Quodlibeta* IV and XI–XV (with some hesitation over XIII). Later José Gómez Caffarena, in his patient attempt to reconstruct the dating of the various parts of the *Summa* by using the references to it in the *Quodlibeta*,⁹ was led to

⁷ Cf. Glorieux I, pp. 87–95.

⁸ Cf. A. Teetaert, "La littérature quodlibétique," *Ephemerides Theologicae Lovanienses* 14 (1937) (pp. 75–105), p. 89; E. Hocedez, *Richard de Middleton. Sa vie, ses oeuvres, sa doctrine* (Louvain-Paris 1925), pp. 478ff. (more specifically, Hocedez proposed dating *Quodlibet* III to Easter 1278, *Quodlibet* VIII to Christmas 1284 and *Quodlibet* XI to Christmas 1287); O. Lottin, "Le libre arbitre chez Godefroid de Fontaines," *Revue Néoscholastique de Philosophie* 40 (1937) (pp. 213–41), p. 217, n. 15; also in idem, *Psychologie et morale aux XII^e et XIII^e siècles* I (2nd ed., Gembloux 1957), pp. 307–8, n. 4 (*Quodl.* XII: Advent 1288; *Quodl.* XIII: Lent 1289).

⁹ Cf. J. Gómez Caffarena, "Cronología de la *Suma* de Enrique de Gante por relación a sus *Quodlibetos*," *Gregorianum* 38 (1957), pp. 116–33; the conclusive synoptic chart with the table of cross-references between the *Summa* and the *Quodlibeta* is also reproduced in the appendix to his 1958 monograph, *Ser participado y ser subsistente en la metafísica de Enrique de Gante* (Rome 1958), p. 270. Since Henry "published" his *Summa* shortly before his death, after having modified the text of his *liber magistri* several times, Gómez Caffarena's chronology should be used with caution; cf. the reservations expressed by K. Emery, Jr., "The Image of God Deep in the Mind: The Continuity of Cognition according to Henry of Ghent," in *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel*

make further clarifications and modifications, which took into account the suggestions of Hocedez and Lottin. The chronology compiled by Macken, initiator and first co-ordinator of the critical edition of the works of Henry of Ghent, reflects substantially that of Gómez Caffarena, and the on-going editorial work has yet to reduce the residual margins of uncertainty.

The resulting general picture is as follows (we have only indicated the discordant dates, even those relating to one session, with respect to Glorieux's initial proposal):¹⁰

Quodlibet	Glorieux	Paulus	Gómez Caffarena
I	Advent 1276		
II	Advent 1277		
III	Lent 1279	Lent 1278 (1279?)	Lent 1278
IV	Advent 1279	Advent 1279 or Lent 1280	
V	1280	Advent 1280 or Lent 1281	Advent 1280 or Lent 1281
VI	1281	Advent 1281 or Lent 1282	Advent 1281 or Lent 1282
VII	Advent 1282		
VIII	1284	Advent 1284	Advent 1284
IX	Lent 1286		
X	Advent 1286		
XI	1287	Advent 1287 or Lent 1288	Advent 1287
XII	1288	Advent 1288 or Lent 1289	Advent 1288
XIII	1289	Advent 1289 or Lent 1290	Lent 1289
XIV	1290	Advent 1290 or Lent 1291	Advent 1290
XV	1291	Advent 1291 or Lent 1292	Advent 1291

des 13. Jahrhunderts. Studien und Texte, J.A. Aertsen, K. Emery, Jr., and A. Speer, eds. (Berlin-New York 2001) (pp. 59–124), p. 67, n. 20.

¹⁰ In his volume dedicated to the reconstruction of the controversy on volition in the last part of the 13th century, San Cristóbal-Sebastián has proposed collocating *Quodlibet* X in the Lent Session of 1287: cf. A. San Cristóbal-Sebastián, *Controversias acerca de la voluntad desde 1270 a 1300* (Madrid 1958), p. 110.

In any case the table shows that Henry's quodlibetal production embraces almost his entire career, from his appointment as *magister actu regens* in theology (1276) to the year before his death in 1293.¹¹ In this span of time there are only a few years in which Henry did not hold a quodlibetal disputation: leaving aside 1293, this would be in 1283 and 1285, according to all three proposals, years which are compensated for, however, by two disputations in 1286. Glorieux and Gómez Caffarena would add 1292 to the list of "empty" years, while some doubt remains, according to the different proposals, about 1278 and 1287.

We have no clues as to these lacunae, or interruptions. Yet we do know that on 29 November 1290 Henry was suspended from teaching by Cardinal Benedict Gaetani (the future Pope Boniface VIII, at that time still a papal legate), the reason being the theses put forward in the earlier quodlibetal disputations concerning the privileges in the matter of confessions that Martin IV conceded to the mendicant orders with the bull *Ad fructus uberes*. Nevertheless, during the 1290 Advent session, or the 1291 Lent session at the latest, Henry would dispute his fourteenth *Quodlibet*. The suspension, if it ever took place, must have been a brief one; in any case it did not force Henry to give up the quodlibetal disputations.

The anonymous chronicle informing us of the suspension states that as soon as the other masters of theology (and those of the other faculties) found out about it, they went *en masse* to Gaetani to ask that the sanction be revoked.¹² It seems that it was changed to a

¹¹ On Henry's biography see R. Macken, "Introduction," in Henricus de Gandavo, *Quodlibet* I, esp. pp. vii–xviii; idem, *Henri de Gand (†1293) maître en théologie à l'Université de Paris, archidiacre de l'évêché de Tournai. Dates et documents* (Leuven 2002).

¹² Cf. H. Anzulewicz, "Zur Kontroverse um das Mendikantenprivileg. Ein ältester Bericht über das Pariser Nationalkonzil von 1290," *AHDLM* 60 (1993) (pp. 281–91), esp. pp. 289–91: "Magister Henricus de Gandavo, qui multa disputaverat de privilegio et de duodecim peciis libros ediderat, hoc audiens convocavit magistrorum plurimorum praesentiam, persuadens ipsis, ut se dictis cardinalium opponerent, dicens: Cum liceat nobis de evangelio disputare, cur non etiam de privilegio? Quod cardinales minime latuit. Unde dominus Benedictus vocans magistrum Iohannem de Murro et magistrum Aegidium praecepit eis, quod dictum magistrum Henricum ab officio lectionis suspenderent. Quod factum fuit. Sequenti die magistris theologiae ac aliarum facultatum plurimis ad cardinales venientibus et veniam pro magistro Henrico postulantibus, dixit Benedictus: . . . Sed hanc sic solve, praecipimus, in virtute oboedientiae sub poena officii et beneficii, ne aliquis magistrorum de cetero de dicto privilegio praedicet, disputet vel determinet occulte vel manifeste . . . Disputatione de quolibet facta quaestiones fuerunt iterum motae, quas minime receperunt." Cf. also H. Finke, *Aus den Tagen Bonifaz VIII. Funde und Forschungen* (Münster i. W. 1902), pp. iv–vii.

more general ban on dealing with the subject of papal privilege in the disputations. Curiously enough, in the list of questions Henry dealt with shortly afterwards in *Quodlibet* XIV, an explicit reference to such a ban appears (q. 15: “Utrum licitum sit disputare de potestate praelatorum”). The fact that the ban on dealing with certain issues in its turn gave rise to a question on bans may seem strange, but it allows us to reflect on the master’s effective freedom in the quodlibetal disputations.

Naturally, all the above-mentioned dates concern the quodlibetal disputations, while information on their actual publication is scarce. The redaction of the written text could take a long time, indeed most of the academic term following the disputation. We are certain, however, that Henry published the *Quodlibeta* one at a time, unlike the *Summa*, which was published in groups of articles. In a passage in *Quodlibet* I, for instance, Henry writes “Sed aspicienti scriptum . . .,” which means that at the time of the redaction (or disputation²) of *Quodlibet* II, *Quodlibet* I was already available to readers (or listeners). There remains some doubt over *Quodlibeta* II–III, which may have been circulated jointly (perhaps owing to the brevity of *Quodlibet* II). The numeration of the *peciae* of the first Parisian *exemplar* is continuous in this case and does not indicate any division between the two *Quodlibeta*.¹³

We may surmise, moreover, that the written version of the questions was generally more elaborate than the oral version. According to Wippel’s tentative calculation, even a rapid oral presentation of the text that now constitutes *Quodlibet* I would have taken approximately 440 minutes (over seven hours).¹⁴ In any case Henry almost always refers to his questions as written texts. To the above quotation from *Quodlibet* I we can add an equally explicit passage from *Quodlibet* X, q. 10 (ed. Macken, p. 268.79–80): “Et si bene recolo, in finibus istis steti sub quodam involucro in I^o *Quodlibet* quod *scripsi*.” While in *Quodlibet* III, q. 15 (Bad. 74rX) Henry addresses the reader—not the listener—directly: “Hic adverte lector.”

A further reason for caution in establishing the chronology of Henry’s *Quodlibeta* is the problem of the author’s corrections, that is,

¹³ Cf. Macken, *Bibliotheca manuscripta* II, p. 977; idem, “Les *Quodlibets* d’Henri de Gand et leur *exemplar* parisien,” *RTAM* 37 (1970) (pp. 75–96), p. 82.

¹⁴ Cf. Wippel, “Quodlibetal Questions,” p. 186, n. 82.

the changes that Macken attributes directly or indirectly to Henry himself.¹⁵ These editorial changes are found in two of the *Quodlibeta* manuscripts (Paris, BNF, lat. 15350 and 15848) and they later seeped into the university tradition. The text prior to correction in these two manuscripts thus represents an earlier version of the published, or public, one. Some of these changes significantly alter the content of the questions. If Macken's hypothesis is correct, as the current critical edition would seem to confirm, then the *Quodlibeta* (or at least some of them) were for a time "works in progress" which were later fixed in the university tradition. It is difficult to determine, however, exactly when the corrections were carried out.

The original division of the university *exemplar* into *peciae* is demonstrated by the *taxatio*-list of the University of Paris dated 25 February 1304.¹⁶ For most of the *Quodlibeta* (there is still some doubt over *Quodlibeta* XIV and XV) a second *exemplar* seems to have been drawn up at a later date, made up of *peciae* which were generally longer than the earlier ones.¹⁷ To the various episodes in the tradition and vicissitudes of Henry's *Quodlibeta* may be added the circulation of synoptic tables of the questions, or their subject matter (in alphabetical order), which were conserved separately, as well as various *abbreviationes* and *impugnationes*, amongst which those of Bernard of Auvergne are notable.¹⁸ For this type of documentation, indeed for the whole manuscript tradition of Henry's extremely popular *Quodlibeta*—each surviving in ca. 28–35 complete witnesses plus fragments and abbreviations—we refer the reader to the results of the excellent work carried out by Macken in his *Bibliotheca manuscripta Henrici de Gandavo*.

¹⁵ Cf. R. Macken, "Les corrections d'Henri de Gand à ses *Quodlibets*," *RTAM* 40 (1973), pp. 5–51.

¹⁶ Cf. *CUP* II, p. 109.

¹⁷ Cf. R. Macken, "Un deuxième exemplar des *Quodlibets* d'Henri de Gand," in *Miscellanea Codicologica F. Masai dicata*, P. Cockshaw, M.-C. Garand, and P. Jodogne, eds. (Ghent 1979), pp. 301–7; with reference just to *Quodlibet* VI cf. G.A. Wilson, "Preliminary Indications of a Historical Development in the Second Parisian *Exemplar* of Henry of Ghent's *Quodlibet* VI," *Proceedings of the Patristic, Medieval, Renaissance Conference* 6 (1985), pp. 135–43.

¹⁸ In general on the *abbreviationes* and *impugnationes* of Henry's *Quodlibeta* cf. Macken, *Bibliotheca manuscripta* II, pp. 1135–72 and 1185–96; on Bernard, in particular, pp. 1185–6. Cf. also A. Pattin, "La structure de l'être fini selon Bernard d'Auvergne O.P.," *Tijdschrift voor Filosofie* 24 (1962), pp. 668–737; P. Stella, "Teologi e teologia nelle *Reprobationes* di Bernardo d'Auvergne ai *Quodlibeta* di Goffredo di Fontaines," *Salesianum* 19 (1957), pp. 171–214.

General Elements: Name and Place of the Disputations

Henry often uses the expression *disputatio generalis* to define the quodlibetal disputations, especially in his introductory formulae:

- *In nostra generali disputatione* hesterna proponebantur 19 quaestiones (*Quodl.* II, ed. Wielockx, p. 3.1).
- *Nuper, in nostra generali disputatione* quaerebantur vigintiocto (*Quodl.* III, Bad., f. 47rO).
- *In superiori disputatione nostra generali* quaerebantur triginta septem (*Quodl.* IV, Bad., f. 89vP).
- *In nostra disputatione generali* nuper facta de quolibet... (*Quodl.* V, Bad. f. 150v).
- *Pridie in nostra disputatione generali* proponebantur 33 (*Quodl.* VI, ed. Wilson, p. 1.1).

These formulae are especially significant for another reason too: all the temporal adverbs and adjectives (*nuper, pridie, hesterna, superiori*) seem to confirm Glorieux's well-known theory according to which each *Quodlibet* was set out at two different times—at the time of the *disputatio* in the strict sense and at that of the *determinatio*—which were separated by an interval of at least 12–24 hours.

This distinction is clearly attested by the *explicit* of *Quodlibet* V, as it appears in Badius' edition:

Explicitae sunt quaestiones de Quolibet magistri Henrici a Gandavo Archidiaconi Tornacensis quinto *disputatae* in scholis suis et *determinatae* ab ipso, et erant xl et una (Bad., f. 214vO).

And likewise in the conclusion of *Quodlibet* III:

Finis XXVIII quaestionum Quodlibeti III magistri Henrici a Gandavo, *disputatarum et determinatarum* ab ipso in scholis suis . . . (Bad., f. 89vP)

In both cases, albeit with the caution that such formulae require, we are informed that Henry held his quodlibetal disputations in his own rooms (*in scholis suis*).

*The Structure of the Questions**The Arguments*

Henry's quodlibetal questions usually conform to the standard structure of the genre. The position of the question (almost always intro-

duced by *utrum*) is followed by: one or more arguments in favour of an affirmative solution; one or more arguments *in contrarium*; the actual solution; and the reply to the arguments. Nevertheless, some questions are occasionally presented without arguments, and Henry almost never fails to note this:

- Tertia quaestio proponebatur sine argumento (*Quodl.* I, q. 23, ed. Macken, p. 177.4).
- Similiter et quarta quaestio sine argumento proponebatur . . . (*Quodl.* I, q. 24, ed. Macken, p. 177.4).
- Ista omnia sine argumentis erant proposita (*Quodl.* I, qq. 27–33, ed. Macken, p. 184.30).
- Ad tertiam quaestionem nullum argumentum adducebatur . . . (*Quodl.* I, q. 36, ed. Macken, p. 202.5).
- Et proponebantur ambae sine argumentis (*Quodl.* I, qq. 41–42, ed. Macken, p. 230.8).
- Ad tertiam quaestionem, propositam sine argumentis . . . (*Quodl.* VII, q. 11, ed. Wilson, p. 71.4).
- In disputatione nostra de quolibet octava, quaerebantur 37, aliqua sine argumentis . . . (*Quodl.* VIII, q. 1, Bad. f. 299v).

The last example deserves special attention since the corresponding text in MS Paris, BNF, lat. 15350 has a curious correction. The original text used the word *plurima*, which was later softened to *aliqua*, as we read throughout the university tradition. There are effectively six questions, out of a total of 37, proposed “without arguments” (qq. 6, 13, 17, 21, 30 and 35), which thus makes the use of *aliqua* more appropriate. Henry (if he is indeed the author of the correction) must only have realised this afterwards, probably in the final revision of the text before publication.

Some questions, on the other hand, may have a conspicuous number of arguments, as in *Quodlibet* VII, q. 24, concerning the problem of the privileges conceded to the mendicant orders in matters of confession, which has 18 arguments (eight *quod sic*, with ramifications, making a total of 14, and four *in oppositum*). The case of *Quodlibet* XII, q. 31, which deals with the same topic and contains an even greater number of arguments (subdivided in different lists), deserves to be considered separately because the question was disputed separately, as Henry himself points out: “Circa nonum, quod est tricesimum primum et ultimum, arguitur multipliciter pro et contra, quia quaestio illa erat per se disputata seorsum” (*Tractatus super facto praelatorum et fratrum*, eds. Hödl and Haverals, p. 3.1–3).

Moreover, in the concluding part of a question there may be the reply to arguments that don't seem to figure as such in the opening section of the question (see, for instance, *Quodlibet* IX, q. 30, in which there is the reply to two *decreta*, or rather two *extravagantes* cited at the beginning of what appears to us already as the *solutio*).¹⁹ We also come across a reference, which had already attracted Glorieux's attention,²⁰ to non-specified arguments *a latere*: "Ad quartum, quod sine argumentis proponebatur a latere, an scilicet laus vocalis erit in gloria . . ." (*Quodlibet* VII, q. 7, ed. Wilson, p. 44.3–4). Glorieux seems to interpret the expression in reference to a different typology of argument, or even to actual parallel or secondary questions, which would have been developed alongside the main one. Actually, the meaning of the expression might not be so mysterious after all: Henry is perhaps referring to a question raised without arguments from one side or the other.

Not infrequently the arguments, especially those *in contrarium*, are substituted by a simple reference to something already known, obvious or shared. More particularly, this may be:

a) To the *fides*:

- In oppositum est fides . . . (*Quodl.* II, q. 3, ed. Wielockx, p. 21.10).
- Contra: tunc in Deo esset suppositorum quaternitas, quod fides abhorret (*Quodl.* V, 8, Bad. f. 164rD).
- In contrarium est fides (*Quodl.* V, q. 10, Bad. f. 168rA).
- In contrarium est fides christiana (*Quodl.* VII, q. 16, ed. Wilson, p. 110.9).

b) To the *auctoritas* of the Church Fathers (the *sancti*):

- In contrariorum est doctrina sanctorum (*Quodl.* V, q. 15, Bad. f. 179vG).
- In contrarium autem sunt determinationes sanctorum (*Quodl.* V, q. 19, Bad. f. 195rP).

Sometimes together with that of the Philosopher:

In oppositum sunt sancti et similiter Philosophus . . . (*Quodl.* V, q. 17, Bad. f. 188rM).

¹⁹ Wippel, "Quodlibetal Questions," p. 164, n. 17.

²⁰ Glorieux I, pp. 25–6, n. 3; II, p. 42.

c) To Canon Law:

In contrarium sunt iura canonica (*Quodl.* IX, q. 31, ed. Macken, p. 327.8).

d) To obvious or commonly shared facts (or ones that, in any case, everyone can verify through experience):

- Contra est factum commune, quia mendicantes recipiunt quicquid eis offertur (*Quodl.* IV, q. 26, Bad. f. 144rS).
- Contra est experimentum quod species sacramenti nutrant (*Quodl.* IV, q. 36, Bad. f. 148vH).

Or that are held as such by the *opponens*:

- Contrarium vidi, dixit opponens (*Quodl.* XI, q. 21, Bad. f. 474vF).
- In contrarium dicebat opponens quod esset communis opinio (*Quodl.* I, qq. 12–13, ed. Macken, p. 78.44).

e) To custom, and to common practices in certain institutions, or to practices which are habitual amongst certain categories of people:

- Contra est communis consuetudo (*Quodl.* I, q. 35, ed. Macken, p. 195.12).
- In contrarium est communis consuetudo (*Quodl.* II, q. 19, ed. Wielockx, p. 144.10).
- In contrarium est consuetudo (*Quodl.* XII, q. 21, ed. Decorte, p. 109.8).
- In contrarium est consuetudo sacerdotum (*Quodl.* IX, q. 23, ed. Macken, p. 302.6).
- In contrarium est iudicium saecularium consuetudo (*Quodl.* IX, q. 25, ed. Macken, p. 305.8).
- Contra est usus ecclesiae (*Quodl.* II, q. 18, ed. Wielockx, p. 136.10).
- In contrarium est usus ecclesiae (*Quodl.* X, q. 6, ed. Macken, p. 132.10).

Nevertheless, custom and usage do not necessarily have a positive value, as Henry sometimes points out in the reply to arguments of this type (for instance, in the reply to the last item on the list above):

non est consuetudo, sed corruptela perniciosa (*Quodl.* X, q. 6, ed. Macken, p. 148.91).

Some interesting examples of this are to be found in a series of questions dedicated to the selling of perpetual annuities. The first time Henry deals with the problem, the practice is justified by the *opponens* on the basis of the fact that it is often recommended or advised by churchmen:

Contra. Ut dixit opponens, hoc consulunt religiosi viri qui supponuntur esse peritiores, religiosi feminis ut beguinis, quod non facerent nisi licitum esset (*Quodl.* I, q. 39, ed. Macken, p. 210.13–15).

The reply is not very conciliatory:

Quod arguitur in contrarium, quod sancti viri religiosi et sapientes dant consilium emendi tales redditus religiosi feminis ut beguinis, dico, et firmiter credo, quod si tale consilium dant, in hoc sapientes non sunt, sed ignorantia iuris naturalis in usurario contractu decepti decipiunt animas (*Quodl.* I, q. 39, ed. Macken, p. 218.5–13).

Unless, Henry continues, the blame is to be given to certain “old maids” who lie out of cupidity when they say that they have been thus advised (“Et forte, licet mulierculae ad suae cupiditatis excusationem tale consilium a religiosi se accepisse dicant, mentiuntur in hoc”). The argument and the answer deserve attention since they do not pose an abstract case, but a circumstantial one concerning advice given to nuns and Beguines. The question thus represents a concrete example of how a master of theology could be consulted, in the context of quodlibetal disputations, about a common practice. And clear confirmation of this is given by the fact that Henry’s *determinatio* seems to have upset someone, as Henry himself informs us in his answer the following year to a question closely linked to the same theme:

Ista quaestio, ut credo, mota fuit propter conversam huius: “an liceat emere redditus ad vitam,” de qua determinavi quod non. Quod, ut intellexi, aliquibus displicuit (*Quodl.* II, q. 15, ed. Wielockx, p. 97.27–29).²¹

It would be tempting to translate the expression *ut intellexi* with “as I seem to have understood.” In this case, too, the argument *in*

²¹ The passage deserves to be quoted in its entirety; cf. *Quodl.* II, q. 15, ed. Wielockx, p. 97.27–40: “Ista quaestio, ut credo, mota fuit propter conversam huius: ‘an liceat emere redditus ad vitam,’ de qua determinavi quod non. Quod, ut intellexi, aliquibus displicuit. Quod re vera non dixi in favorem vel odium alicuius, sed, teste Deo, loquor ipsa veritate, quantum mihi apparuit, coactus, iuxta hoc quod ibi declaratum fuit. Nec in rei veritate adhuc mihi aliud quam tunc dixi, apparet. Quod cum apparuerit, quocumque docente vel etiam Ecclesia contrarium teneri praecipiente, absque omni confusione et rebellionem paratus ero oboedire in hoc sicut et in omnibus aliis determinatis et determinandis. Aliquantulum tamen certior sum pro tunc determinato quam eram tunc, quia scio quod magni viri idem sentiunt in dicta quaestione quod ego, secundum quod dixerunt mihi. Dictum etiam est mihi a quodam quod vidit duas bullas papales impetratas contra ementes ad vitam ad restituendum perceptum ultra sortem. Sed haec hactenus.”

contrarium is based on custom; the practice is common and so, one presumes, legitimate:

In contrarium est quoniam facto approbatur a multis et verbo a nullo contradicatur. Quod non videtur posse fieri, nisi esset licitum (*Quodl.* II, q. 15, ed. Wielockx, p. 96.24–25).

The reply is rather curt, and is indeed emblematic of Henry's style:

... qui illud approbant faciendo, ipsi viderint. Mihi videtur quia perniciosum exemplum dant (*Quodl.* II, q. 15, ed. Wielockx, p. 101.32–33).

Some years later Henry seems to refer to this reply in another question concerning the same problem:

Cetera autem materiam istam tangentia diffusius declaravimus. Et argumento quod plures tales redditus emunt, aut consulunt aliis ut eos emant, respondendum sicut ibi responsum est (*Quodl.* VIII, q. 24, Bad. f. 334rN).

f) An argument may consist merely of a reference to condemned theses, whether in 1277 or on other occasions:

- in contrarium est illud quod dicit quidam articulus condemnatus a Stephano quondam episcopo Parisiensi (*Quodl.* V, q. 4, Bad. f. 158rH)
- Contra est quod illud fuit opinio Porretani damnata (*Quodl.* V, q. 7, Bad. f. 163vZ)

g) By far the most interesting case related to the typology of the arguments is that of *Quodlibet* IX, q. 12, which consists in what today we would call a case history:

Circa quintum ponatur propter obiecta et ad maiorem intellectum quaestionis casus talis (ed. Macken, p. 225.6–7).

The case in question is the dismembering of King Philip III of France's body for burial, and may be summarised as follows: Philip IV, on the advice of his confessor (the Dominican Nicholas of Gorran), decided to bury the body of his father, Philip III, in the cathedral of Narbonne and to conserve the heart in the Dominican church in Paris. The question was whether the Dominicans should return the heart and whether the abbot and monks of Narbonne were right in insisting on having it back; in other words, beyond the specific issue at stake, whether the decision to dismember a corpse was legitimate and morally acceptable.

Henry was not the only one to deal with the problem; the same question is to be found in the *Quodlibeta* of Godfrey of Fontaines (*Quodlibet* I, q. 11, and *Quodlibet* VIII, q. 9), Servais of Mont-Saint-Eloi and Oliver of Tréguier. It is worth noting that Henry, like Servais and Godfrey, though perhaps even more radically, was decidedly against the practice of dismemberment, which would be banned a few years later by Boniface VIII in the bull *Detestandae feritatis* (September 1299).²²

References to the opponens

The *opponens* is obviously a key figure in the articulation of the *Quodlibeta*, at least as far as the moment of the *disputatio* is concerned. We have already encountered some examples in which, in the arguments *in contrarium*, a direct and explicit reference is made to the *opponens*' position. Other cases, however, seem even more circumstantial. In a bizarre question disputed in *Quodlibet* I (whether healthy Black Monks could legitimately eat meat) the *opponens* is actually a Black Monk who seems to stick to a rigid interpretation of monastic regulations and so denounces the practice of his companions as a transgression:

In oppositum vero, ut dixit monachus niger opponens, est abusus omnium nigrorum monachorum (*Quodl.* I, q. 38, ed. Macken, p. 208.8–9).

Henry is much more indulgent in his answer (*pace* the *opponens*):

unde si monachi nigri comedant carnes sani, non credo quod sit abusus, salve pace eius qui opposuit, sed magis dispensatio superioris (ed. Macken, p. 209.26–28).

In *Quodlibet* XI, q. 20, on the other hand, there is an explicit reference to a Carmelite friar. The question concerns the degree of severity of the different monastic rules, and more specifically, whether the brothers from a more lenient order can accept brothers from an

²² Cf. E.A.R. Brown, "Death and the Human Body in the Later Middle Ages: The Legislation of Boniface VIII on the Division of the Corpse," *Viator* 12 (1981), pp. 221–70 (esp. 235–46); F. Santi, "Il cadavere e Bonifacio VIII, tra Stefano Tempier e Avicenna. Intorno ad un saggio di Elizabeth Brown," *Studi medievali* 28 (1987), pp. 861–78.

order with a stricter rule. In the initial arguments the *opponens* is not further identified and he confines himself to pointing out the different regulation of the order to which he belongs (Bad. f. 474rE: “Contrarium, ut dixit opponens, fit religioni suae”). It is Henry who, in the *solutio*, clarifies the terms of the question and makes them more concrete, informing us that the *opponens* had publicly declared himself a Carmelite and that the “more lenient” order where some of his brothers had found shelter was the Dominicans:

Frater autem opponens ut ostenderet religionem suam forem arctiorem quam illam ad quam fratres sui ordinis invito praelato suo et contra suum privilegium immo contra ius commune recipiebantur, dixit expresse coram omnibus se esse ordinis beatae Mariae de monte Carmeli, et fratres qui suos fratres receperunt esse ordinis praedicatorum . . . (Bad. f. 474r-vF).

Henry, who is only a member of the secular clergy, resolves the question with a cautionary formula, in which (unless I am mistaken) there is a touch of irony, given his not altogether favourable attitude towards the mendicant orders: “Super quo iudicium perspicacioribus relinquo.”

There seems, on the other hand, to be generally no mention of that other protagonist of the disputations, the *respondens*. Did Henry conduct the disputations on his own, as Glorieux believes (“c’est Henri de Gand qui intervient à chaque instant avec sa personnalité extrêmement marquée, au point qu’on peut se demander si dans ses disputes quodlibétiques il n’était pas seul à prendre la parole sans admettre de bachelier qui répondit sous lui”)?²³ Unfortunately, we have no means of confirming this hypothesis, though Henry undoubtedly preferred using a highly personal style, at least in the written version of his determinations.

The solutio

Generally the manuscripts do not use a standard formula to introduce Henry’s solution (of the type *responsio* or *respondeo*); the heading *solutio* that appears in the series *Henrici de Gandavo Opera Omnia* was added by the editors. Nevertheless, it corresponds to the term that Henry normally used when referring to his determination:

²³ Glorieux I, p. 34.

Ecce brevis solutio, sed longa et spatiosa declaratio (*Quodl.* VIII, q. 9, Bad. f. 319vI).

Apart from its doctrinal content, the *solutio* sheds light on the way Henry used and shaped the typical structures of the quodlibetal genre. Not infrequently the *solutio* opens with a consideration of the true sense of the proposed question, or the real motives that induced someone to raise it:

- Quaestio ista, ut puto, inducta est propter difficultatem in hoc secundo argumento, an aliquod idem possit esse movens et motum (*Quodl.* XIV, q. 2, Bad. f. 558vY; instead, the question appears to concern relations).
- Ista quaestio, ut existimo, introducta est quia aliquis nuper posuit quod materia non potest esse sine forma et quantitate, et quod Deus hoc non posset facere, cuius contrarium alias determinavi (*Quodl.* XV, q. 1, Bad. f. 574vP).
- Dicendum quod, ut puto, ista quaestio mota fuit propter privilegium fratrum . . . (*Quodl.* X, q. 4, ed. Macken, p. 50.16–17).
- Dicendum quod quaestio ista proposita est de causa efficiente accidentis generaliter, sed specialiter propter accidens quod est ipse actus volendi (*Quodl.* X, q. 9, ed. Macken, p. 221.14–16; the title of the question is “Utrum subiectum per se possit esse causa sufficiens sui accidentis”; the formulation is therefore generic, while Henry informs us that the question was proposed in reference to the will).
- Ad difficultatem huius quaestionis explicandam intelligendum quod non fuit proposita nisi propter animam intellectivam quam ponimus formam et actum corporis et separabilem a corpore, et per seipsam posse subsistere (*Quodl.* III, q. 15, Bad. f. 71r–vG).

Naturally, we may add the example of *Quodlibet* II, q. 15, to the above ones. It may also happen that Henry seeks to respond more adequately to the actual intention of the person who had raised the question:

Sed, ut credo, hoc non sufficit intentioni quaerentis. Volebat enim scire, ut credo, distinctionem angelorum inter se sub generalissimo . . . (*Quodl.* VII, q. 8, ed. Wilson, p. 58.90–91).

The master may also reveal (or deplore) the ambiguous or equivocal character of a proposed question, or at least point out its multiple aspects:

- Dicendum ad hoc quod forma quaestionis propositae potest habere geminum intellectum . . . (*Quodl.* II, q. 10, ed. Wielockx, p. 73.22–23).
- Dico quod secundum quod mihi videtur, quaestio aequivoca est, quia intentio operis dupliciter potest intelligi (*Quodl.* XII, q. 22, ed.

Decorte, p. 116.20–21; the question posed is “Utrum intelligere practicum possit absolvi ab intentione operis”).

- Cum quaestio ista generaliter sit proposita de quantitate charitatis in resurgente secundum magis et minus vel aequale, quae dicit comparisonem, et non exprimit ad cuius charitatem comparatio fiat . . . multiplex ergo valde quaestio est, et multos sinus habet (*Quodl.* V, q. 24, Bad. f. 203vD).
- Dicendum quod ista quaestio plures potest habere sinus et intellectus (*Quodl.* XI, q. 11, Bad. f. 465rI).

What emerges likewise is the master’s freedom in arranging the questions in the most convenient order, anticipating the treatment of isolated questions or grouping together two similar questions:

- Quae licet erant duae in modo quaerendi, una tamen sunt secundum rem, unde expedit eas simul determinare (*Quodl.* I, qq. 7–8, ed. Macken, p. 25.5–7).
- Et quia super idem fundantur, simul eas prosequamur (*Quodl.* I, qq. 12–13, ed. Macken, p. 77.9–10).
- quia secundum includitur in primo, idcirco utrumque simul prosequemur prosequendo primum illorum, quia includit secundum (*Quodl.* VII, qq. 1–2, ed. Wilson, p. 3.14–16).

For the same reason the answer to a question may be inferred from the one immediately preceding it:

Quaestio ista implicita est et contenta in proxima praecedente, et ideo ex responsione tradita ad illam dissolvenda est (*Quodl.* XV, q. 4, Bad. f. 576vD).

The master may choose to deal only generally with a question:

Huius quaestionis membra explicare non intendimus discurrendo per singula, sed in generali et in summa tangere quomodo debeant se habere ad invicem illa de quibus proposita est quaestio, et explicare convenientiam eorum et differentiam (*Quodl.* IV, q. 22, Bad. f. 141vC).²⁴

Or, conversely, he may distinguish a particular sense that the question might have from the more general one that would be valid, in the abstract, for all other cases. In *Quodlibet* X, q. 1 (concerning the legitimacy of repeating a confession for which absolution has already been granted) Henry includes a long initial digression on the particular form of the *quaestio*, which requires a different answer from

²⁴ Cf. also *Quodl.* IV, q. 13, Bad. f. 104vH.

what one would give if the same question were considered in general (the general norm—that it is not permissible to repeat a Sacrament that has been properly carried out—cannot be applied in the particular case of confessions heard by friars and not by parish priests).

The formulation of the questions may already include the answer:

- . . . quaestio secum importat suam solutionem (*Quodl.* I, q. 34, ed. Macken, p. 194.23–24).
- Ad quod dicendum quod quaestio ex modo proponendi solvit se ipsam (*Quodl.* VIII, q. 6, Bad. f. 311rT).

It seems that the master had the option of rejecting certain questions (even though the historiography is not absolutely clear on this point). We evidently don't know whether Henry ever availed himself of this faculty. He did, however, dedicate a question to the masters' duty to express the truth in their determinations (*Quodl.* X, q. 16). Nonetheless, some of the questions accepted and discussed are defined as blatantly absurd:

- Dicendum igitur ad quaestionem quod absurda est et ex falsa et phantastica imaginatione procedit . . . (*Quodl.* I, q. 5, ed. Macken, pp. 24.53–25.54).
- Dicendum quod ista quaestio, sicut praecedens, absurda est et ex falsa imaginatione procedit . . . (*Quodl.* I, q. 6, ed. Macken, p. 26.23–24).

On a couple of occasions Henry raises the issue of competence, not in order to reject a question, but rather to justify his choice in dealing with it all the same, even though it should be a matter for the canonists. The context concerns the privileges conceded to the mendicant orders in matters of confession, and more especially, the correct interpretation of Martin IV's bull *Ad fructus uberes*. The first of these occasions is in *Quodlibeta* VII, q. 21, and is really just a reference to the specification that will follow:

Ad istam quaestionem, quia principaliter pertinet ad iuristas . . . , respondere intendo, salva protestatione quam ponam in solvendo tertiam quaestionem proximo sequentem (*Quodl.* VII, q. 21, ed. Wilson, pp. 127.16–128.19).

In q. 24 of the same *Quodlibet*, Henry remarks that the proposed question is undoubtedly more the province of canonists than theologians:

Dicendum quod quaestio ista iuris est, et potius pertinet ad iuristas, qui vim papalium rescriptorum sive privilegiorum, et clausularum in

ipsis positarum, ex regulis super hoc in iure conscriptis cognoscere debent, quam ad theologos, qui proprie non debent considerare in quaestionibus iuris, nisi quod pertinet ad ius divinum et naturae (*Quodl.* VII, q. 24, ed. Wilson, p. 175.33–37).

Nevertheless, the question may actually be approached in two ways: one approach aims to give the norm an objective interpretation; the other, related to the specific question, is confined to considering which opinion is the most likely, without any bias against the one *in contrarium*. The first should be left to the canonists; any interference in this context would be out of place (“ponere os in caelum”; cf. Ps. 72:9) and presumptuous (“praesumptuosum esset”). While the second is in line with the scholastic masters’ task of humbly seeking the truth:

Secundum vero est studiosum, et veritatem humiliter investigare, quod licitum est scholasticis, tam doctoribus quam auditoribus, etiam circa rescripta papalia, et etiam circa illa contraria opinari (*Quodl.* VII, q. 24, ed. Wilson, p. 176.50–52).

So it would be possible to hold a disputation on the sense of the privilege until an explicit ban on doing so is expressed or until the pope’s intention is clarified once and for all. In the latter case, the official interpretation should be duly defended:

Nunc ergo, quia nondum nobis inhibita sunt haec et talia circa dictum privilegium fratribus concessum, licitum est nobis circa ipsum quoad propositam quaestionem contraria opinari, quousque in hoc quod circa hoc forte est dubium, certificata sit summi pontificis intentio, quam ex tunc illibatam custodiemus totisque viribus defendemus (ed. Wilson, p. 176.55–60).

For this reason Henry doesn’t deal with the question considering the *quid iuris* but the *quid facti*, and not in reference to the pope’s intention but to himself (*quoad me ipsum*); that is, to what he personally would do if he were granted a similar privilege, or if he had to give personal advice to someone who had been granted this privilege. The passage thus highlights the prime importance of the master’s own point of view:

Non quid facti quoad intentionem domini papae, quid scilicet ipse intendat per verba privilegii, sed quid facti quoad me ipsum: quid scilicet ego essem facturus si sub praedicta forma verborum de “audiendo confessiones, absolvendo, et poenitentias iniungendo” mihi esset facta commissio, sive simplici verbo a meo episcopo, sive per simile privi-

legium a summo pontifice, et quid consulerem alii cui tale privilegium concessum est, si meum super hoc consilium affectaret . . . (ed. Wilson, pp. 176.63–177.70).

The Reply to the Arguments

This part is often omitted, since the *solutio* already contains the reply to the arguments adduced in support of both sides of the *quaestio*. To cite just a few examples:

- Per dicta patent argumenta utriusque partis (*Quodl.* I, q. 20, ed. Macken, p. 170.8).
- Per hoc patent ambo obiecta (*Quodl.* II, q. 1, ed. Wielockx, p. 8.38).
- Argumenta utriusque partis patent secundum praedicta (*Quodl.* III, q. 10, Bad. f. 63rV).
- Per iam dicta patent obiecta utriusque partis (*Quodl.* III, q. 13, Bad. f. 66rN).
- et patent obiecta utriusque partis (*Quodl.* III, q. 16, Bad. f. 78rF).
- Et patet per iam dicta responsio ad obiecta utriusque partis (*Quodl.* III, q. 19, Bad. f. 81rS).

Sometimes, however, the solution to the *quaestio* does not exactly coincide with either of the two initial conflicting positions and so it becomes necessary to examine the arguments adduced for both sides, or recast them completely:

- Argumenta ad utramque partem adiecta percurranda sunt (*Quodl.* VII, q. 24, ed. Wilson, p. 195.45).
- Dicta autem in utroque argumento perscrutanda sunt (*Quodl.* XIV, q. 3, Bad. f. 562vS).
- Argumenta ad utramque partem deficiunt (*Quodl.* XIV, q. 15, Bad. f. 571vD).

On the other hand, precisely because the *solutio* does not always coincide with the thesis *quod sic*, the arguments *contra* or *in oppositum* are not necessarily invalid:

- Argumentum in oppositum bene procedit secundum determinatum modum, sicut patet inspicienti (*Quodl.* III, q. 9, Bad. f. 62rS).
- Argumentum in oppositum bene procedit secundum praedicta (*Quodl.* IV, q. 11, Bad. f. 103rZ).
- Concedenda est ergo ratio . . . (*Quodl.* V, q. 13, Bad. f. 174rS).
- unde concedendum est argumentum ad istam partem (*Quodl.* IX, q. 1, ed. Macken, p. 6.59).
- Et secundum hoc concedendae sunt duae ultimae rationes inductae ad istam partem (*Quodl.* XII, q. 13, ed. Decorte, p. 75.91–92).

Or perhaps the arguments (*pro* and *contra*) cannot be accepted without qualification; for instance, because the conclusion is correct but the way in which it was reached is erroneous:

- Argumentum primum concedendum est propter conclusionem, non autem propter medium (*Quodl.* III, q. 7, Bad. f. 57rR).
- Sed argumentum secundum ad veram conclusionem falso utitur medio (*Quodl.* III, q. 27, Bad. f. 87vB).
- Argumentum pro et contra non habent efficaciam nisi probabilem (*Quodl.* IX, q. 10, ed. Macken, p. 204.88).
- Nihilominus tamen respondendum est ad rationem contrariam. Licet enim nititur hoc probare, hoc tamen non facit bono modo (*Quodl.* X, q. 15, ed. Macken, p. 303.66–67).

The relation between the length of the *solutio* and that of the reply to the arguments is quite variable. Sometimes the two sections coincide (*Quodl.* XIII, q. 2, ed. Decorte, p. 9.10: “Dico ad quaestionem et ad argumenta simul . . .”), while at other times, as in the above examples, the *solutio* makes the reply superfluous. Yet the latter may also be much longer than the *solutio* itself: if we examine the text of Macken’s critical edition of *Quodlibet* X, q. 5, the *ad argumenta* section takes up around 70 pages (pp. 59–131, including the *apparatus*), while the *solutio* is only 46 lines long (pp. 56–59).

Moreover, the arguments to be resolved may not just be those cited in the opening section of the *quaestio*, but others that have emerged in the course of the *solutio*:

Difficultates autem tactae in principio solutionis ad quaestionem, contrariae videntur iam determinatis, propter quod eis respondere oportet et ipsas exponere (*Quodl.* IX, q. 3, ed. Macken, p. 63.73–75).

Finally, there are arguments that don’t have a proper reply, since Henry confesses, in all honesty, that he is unable to resolve them:

Unde primum argumentum vere nescirem solvere (*Quodl.* VIII, q. 8, Bad. f. 313vH).

The last point gives further confirmation of our basic hypothesis that the quodlibetal genre allows Henry to express his own point of view—whether theological or philosophical—in a direct, immediate and personal way. According to a consolidated stereotype, the style of scholastic production is deliberately (and aridly) impersonal. A few years ago Schönberger could affirm that medieval thought tends to

avoid subjectivity.²⁵ Just glancing at Henry's *Quodlibeta* tells us the opposite, or at least that this is not always the case. I would now like to present sufficient evidence in support of my conviction.

Cautionary Formulae

Henry of Ghent came to be known by the epithet *Doctor Solemnis*, which suggests the idea of a great resoluteness and authoritativeness. Undoubtedly Henry was an extremely authoritative master in his day, but he was also one of the few scholastic authors who was not afraid of admitting his own limits and perplexities, and so cautionary formulae abound in the *Quodlibeta*. In *Quodlibet* II, q. 9 (ed. Wielockx, p. 67.29–36) Henry grapples with the thorny problem of the localisation of separate substances, which the recent condemnation promulgated by the bishop of Paris, Etienne Tempier, in 1277 had turned into a real conundrum. The combination of articles 218, 219 and 204 (in the *Chartularium* numeration, corresponding to articles 53, 54 and 55 in Mandonnet and Hissette's numeration) required one to affirm that the angels were in a place *according to* their substance, yet proscribed giving as the actual reason for this localisation either their substance or their operations. In an attempt to find his way out of this maze, Henry first and foremost recalls that all the masters of theology who had been asked to express themselves on the subject, amongst whom Henry himself, had denied that substance could be taken as the cause of the localisation of the angels (we'll return to this later). Once substance had been excluded what was left were the operations, but this way out was impracticable too, unless one were to hold that angelic operations were less abstracted from matter than was substance, a hypothesis on which Henry comments laconically:

Quod si verum sit, in hoc intelligendo deficio, sicut in pluribus aliis (ed. Wielockx, p. 67.29–30).

²⁵ Cf. R. Schönberger, *La Scolastica medievale. Cenni per una definizione* (Milano 1997) (original edition: *Was ist Scholastik?* [Hildesheim 1991]), esp. p. 40.

A third possibility needed to be found, therefore, which was different from both substance and operations, but Henry frankly confesses that he is unable to give one and so he prefers in this case to listen to what others have to say rather than put forward any ill-advised hypothesis of his own:

Igitur, si forte potentia angeli non sit ratio ipsum essendi in loco, quod ad praesens nec determino nec sustineo nec defendo, oportet quaerere aliquid aliud, quod est ratio essendi ipsum in loco. In quo mallet alios audire quam aliquid dicere. Et est mihi tutius profiteri in proposito quia ignorem quid dicam, quam quod aliquid de meo indiscrete ingeram. Quid enim sit illud, nescio . . . (ed. Wielockx, p. 67.31–36).

In the conclusion these cautionary formulae are reinforced. The whole aim of the discussion, as Henry states, was simply that of demonstrating the difficulty of the subject matter and of “provoking” others (someone in particular?) into finding a solution:

Quin tamen angelus secundum substantiam sine operatione sit in loco, et quin ipsa limitatio naturae eius vel aliquid huiusmodi sit illius ratio, nullatenus dogmatizo, sustineo seu defendo quoquo modo. Et, quod amplius est, nec mihi nec cuiquam ut contrarium teneat, suadere intendo ex praemissis. Quae iam proposui, ut solummodo rei difficultatem insinuarem et aliquem ad eam declarandam provocarem (ed. Wielockx, pp. 71.22–72.28).

And with a touch of irony Henry finally declares himself to be completely ignorant as to the amount of space angels concretely occupy (p. 72.38–40): “Quomodo tamen et in quanto loco, pedali vel bipedali, maiori vel minori, vel in simplici et indivisibili, ut verum fatear, dico quod ignoro penitus.”

Apart from this specific case there are numerous occasions on which Henry does not resolve the question, in the strict sense, but confines himself to indicating what for him is the most likely hypothesis:

- Quid autem horum tenendum sit, nondum determino (*Quodl.* III, q. 8, Bad. f. 58vN).
- Quod autem assumitur quod secundum praedicta ideae in Deo essent finitae, non video quod sit aliquod inconueniens, potius autem aestimo me videre, quod inconueniens est infinitas esse in ipso. De hoc tamen nihil determino, nec ea quae hucusque proposui circa hanc quaestionem intendo proposuisse determinando, sed solummodo investigando et proponendo lectori, quod mihi videtur magis applicabile animo, nihil tamen super hoc iudicando (*Quodl.* VIII, q. 8, Bad. f. 313vH).

- Mihi igitur ex iam declaratis magis videtur tenendum . . . (*Quodl.* IX, q. 8, ed. Macken, p. 186.61).
- quod tamen non assero (*Quodl.* IX, q. 9, ed. Macken, p. 200.84)
- Quod mihi videtur potius ponendum, et secundum hoc dicendum quod idem sunt gratia et gloria, quia gloriae lumen non est nisi perfectus habitus sapientiae quae non est nisi gratia redundans de essentia animae in potentiam intellectivam. Si tamen cum hoc ponatur lumen superius quod lumen gloriae appellatur, non pertinaciter resisto, necessitatem tamen non video (*Quodl.* IX, q. 13, ed. Macken, p. 245.52–57).
- Dico ergo quod, loquendo de potentia ordinata secundum regulam iustitiae, qua scilicet papa concedendo tale privilegium non peccaret si ipsum concederet, an ipse isto tempore tale privilegium concedere possit fratribus, ego non video nec assero, ne forte veritati contrarier, non tamen denego, ne videar “ponere os in caelum” (*Tractatus super facto praelatorum et fratrum* [= *Quodl.* XII, q. 31, versio longior], eds. Hödl and Haverals, p. 259.6–10).

Sometimes, as in the above case of *Quodlibet* II, q. 9, the caution seems to be dictated by the fear of falling foul of one of the articles condemned by Tempier:

- Quid tamen sentiendum sit iudicio rationis et intellectus revera ignoro; propter quod super hoc, quia episcopus in hac quaestione sententia-vit, nihil determino omnino (*Quodl.* III, q. 5, Bad. f. 53vZ).
- Et quamquam non apparet mihi rationis solutio, numquam tamen coget ad dogmatizandum aut sustinendum vel defendendum quod dogmatizare, sustinere, vel defendere prohibet pontificalis interdictio (*Quodl.* IV, q. 17, Bad. f. 132vH).

At other times it is more simply a matter of recognising the limits of human knowledge:

- Ad istam quaestionem ex cursu rerum naturalium nihil certi respondere possumus (*Quodl.* IV, q. 12, Bad. f. 103vA).
- Quid autem de hac ultima quaestione sentiendum est, obscurum, et multum remotum est a nobis, propter incomprehensibilitatem infinitatis (*Quodl.* V, q. 3, Bad. f. 155vQ).

In the same question we find the idea that the theses upheld are an invitation (or a “provocation”) to other scholars to consider the problem more deeply:

Quantum ergo ad infinitatem idearum in deo, vel ad cognita circa essentias creaturarum, non video quomodo potest in deo poni infinitas, quod tamen propter rei profunditatem et eius elongationem a nostro intellectu, negare non audeo, nec contrarium assero, sed tantum ingenia

studiosorum ad tam abditorum investigationem excito (*Quodl.* V, q. 3, Bad. f. 156vV).

At other times the caution seems motivated by the fact that not even the *auctoritates* have taken a clear position on the subject:

- Quod ergo Augustinus sub dubio dimisit, ampliori fiducia asserere non audemus (*Quodl.* III, q. 13, Bad. f. 66rN).
- Quid intelligere voluit ignoratur, et credo non temerarie definiendo, sed pie inquirendo, quod illud sit quod iam supra exposuimus (*Quodl.* VIII, q. 5, Bad. f. 311rS).

This doubt may be expressed directly in an interrogative form:

Sed quid dicemus ad argumentum cuius litteram inducit Magister ad confirmationem suae opinionis? (*Quodl.* IX, q. 11, ed. Macken, p. 216.99–00).

But the caution may also hide the conviction that, despite its drawbacks, one's own solution is nevertheless preferable to the other available ones, and that it is up to others, therefore, to find more convincing ones:

- Videat ergo qui poterit si infinities infinitae essentiae creaturarum possunt adaequare illam infinitatem . . . Videat ergo qui poterit an sit inconveniens . . . (*Quodl.* XI, q. 11, Bad. f. 467r–vZ).
- Si vero intelligere conetur aliquis ascendisse Christum super omnes caelos corporales ultra convexitatem extremi caeli, nescio qua auctoritate aut ratione illud firmare poterit (*Quodl.* XV, q. 2, Bad. f. 575vY).

This attitude sometimes leads Henry to observe that, apart from the solution which he himself has proposed, those more directly involved should decide what is best for them to do. The relevant formulae can be quite curt:

- Cui haec non sufficiunt, apponat de suo quod sibi placuerit (*Quodl.* VII, q. 8, ed. Wilson, p. 47.74).
- Quid autem super hoc veritatis sit quoad haec quae in mero facto consistunt, ipsi per quos actus est, viderint (*Quodl.* IX, q. 12, ed. Macken, p. 240.47–48).
- Sed ipse dominus papa viderit et iudicet, sua enim interest! (*Tractatus super facto praelatorum et fratrum* [= *Quodl.* XII, q. 31, versio longior], eds. Hödl and Haverals, p. 259.10–11).

Personal Reminiscences

Henry's first-person style is combined with circumstantial references to events in which he participated directly. Such references are difficult to find in other genres of scholastic texts, such as the commentaries and the *Summae*. As already noted, Henry recalls, for instance, taking part in a meeting of the masters on the localisation of separate substances, and we may assume that he is referring to the commission of theologians convoked by Tempier in view of the condemnation of 1277:

In hoc enim concordabant omnes magistri theologiae congregati super hoc, *quorum ego eram unus*, unanimiter concedentes quod substantia angeli non est ratio angelum esse in loco secundum substantiam (*Quodl.* II, q. 9, ed. Wielockx, p. 67.21–24).

Another such reference is to the gathering (which we can date fairly accurately to 29 November 1282) in which bishops and Parisian masters tackled the usual problem of the privileges conceded to mendicants in matters of confession:

... quemadmodum nuper super eadem quaestione a coetu plurium episcoporum, utpote 13, quorum duo erant archiepiscopi, petium fuit a collegiis magistrorum regentium Parisius in facultatibus theologiae et decretorum, quid ipsi sentirent (*Quodl.* VII, q. 24, ed. Wilson, p. 177.70–73).

Concerning yet again the problem of the relation between friars and prelates, Henry recalls a “youthful” episode (one prior to his time as master of theology, in any case): before being elected pope, the future Clement IV, in Paris, had defended the status of the prelates:

Hinc etiam iamdiu, occasione disputationum et altercationum quas magistri Parisienses habebant inter se de perfectione statuum maiori vel minori, audiui dominum papam Clementem, cum adhuc esset legatus, ad dirimendum dictas altercationes in quadam praedicatione sua praeferre simpliciter statum praelatorum statui religiosorum ... (*Quodl.* XIII, q. 14, ed. Decorte, p. 149.2–6).

Once again, apart from the use of the first person in an absolutely personal reminiscence, the elements of dating are interesting too. The reference is to Guy of Foulques, who was nominated apostolic legate by Urban IV on 22 November 1263 in order to settle the conflict between Henry III of England and his barons. The mission

was not, however, conducted in a particularly timely fashion. Guy left Rome as legate on 9 April 1264 and, after several stops along the way, reached Paris (which was not even his final destination), where it seems he stayed from November 1264 until the beginning of 1265. The episode recorded by Henry is therefore to be placed between the end of 1264 and the early months of 1265. And this, by the way, is one of the few definite indications of Henry's presence in Paris before 1276.

The most important episode, however, is the one contained in the original version of *Quodlibet* X, q. 5, and later suppressed in (what we consider to be) the final redaction. Taking into account that *Quodlibet* X belongs to the year 1286, Henry is referring here to events that happened ten years earlier, precisely at the time of the great crisis of 1277. The subject under discussion is the unicity or plurality of man's substantial forms. In the expunged passage Henry recalls, first of all, that twelve masters of theology had stated in an official letter that they were unaware of the fact that the theory of the unicity of substantial form had been condemned as erroneous and heretical. Now there is no doubt, Henry continues, that the theory had been declared *false* by a magistral determination, for the simple reason that he himself had been present:

Loquendo autem de damnatione per sententiam magistrorum, scio, *quia interfui*, quod iam 10 annis elapsis, magistri omnes theologiae tam non regentes actu quam regentes, qui habui potuerunt Parisius, simul congregati ad examinandos quosdam articulos de mandato domini Stephani episcopi parisiensis et domini Simonis legati, qui postmodum fuit papa Martinus, inter quos articulos erat ille, quod in homine non erat forma substantialis nisi anima rationalis, omnes unanimiter uno ore, duobus exceptis, dixerunt quod dicere in homine non esse formam nisi animam rationalem falsum erat (*Quodl.* X, q. 5, ed. Macken, p. 127 *app.*).

Once again the reference seems to be to the commission convoked by Bishop Tempier and the papal legate Simon of Brion in order to examine the articles that would then be condemned in 1277. Moreover, Henry adds, in a second commission, convoked the year before the quodlibetal disputation (that is, in 1285) on Pope Honorius IV's mandate, the theory would again be declared false, with two votes against and some doubts raised by other masters. But a theory declared *false* by a magistral determination is not *erroneous* or *heretical* in itself; in order to be so it must be "a matter of faith" and must be condemned by someone who has the authority to issue the

condemnation. At this point we find what is perhaps the most personal, and unpleasant, reminiscence (as we shall see shortly).

Henry had had occasion to tackle the problem in *Quodlibet* I, leaving the question basically undecided. In the following months he would be called before a group made up of Simon of Brion (the papal legate), Bishop Tempier, Ranulph of Houblonnière (destined to be Tempier's successor) and the university chancellor John of Alleux. Asked to clarify once and for all his true position, Henry would again reply cautiously, even though he indicated a preference for the pluralist theory ("respondissem quod potius sentirem quod plures"). At this point Simon of Brion, after consulting the others, took him aside and forced him to take openly and without further ado a position in favour of the pluralist theory. Not only that: for fear of not having been sufficiently clear or convincing, as Henry himself recalls, Simon added threateningly that Henry should diligently carry out his request, since in matters of faith he would spare no one. This is the essential aspect of the whole episode for Henry: if the legate spoke of a "matter of faith," that clearly meant that the question concerned the faith, and so the opposing theory was not only to be considered false, but also erroneous and thus possibly heretical.

The event, which must have quite upset Henry, led him to the conviction that the theory of unicity was condemned as erroneous by the powerful entourage of the legate and the bishop, though not publicly; and this would fully justify the contents of the masters' letter cited at the beginning of the expunged passage. Henry concludes laconically that perhaps the best thing to do would be to ask for clarification directly from those involved in the episode who were still alive; that is, the new bishop and the former chancellor. The passage deserves to be quoted in full:²⁶

An etiam ab homine qui potestatem habuit, articulus ille damnatus fuerit, rationabiliter dubito. [*A decisive passage follows, which was later cancelled within the same correction*] Iam etiam 10 annis, cum quidam notati fuerunt Parisius quasi posuissent quod in homine non esset forma substantialis nisi anima rationalis, et ego eodem tempore in dubio reliquissem in prima disputatione mea de *Quolibet* quaestione<m> an plures

²⁶ Cf. L. Hödl, "Neue Nachrichten über die Pariser Verurteilungen der thomasischen Formlehre," *Scholastik* 39 (1964), pp. 178–96; F.-X. Putallaz, *Insolente liberté. Controverses et condamnations au XIII^e siècle* (Fribourg-Paris 1995), esp. pp. 172–4.

formae ponendae essent in homine vel unica tantum, vocatus a domino Simone, tunc legato, et requisitus in praesentia domini Stephani, tunc episcopi parisiensis, et domini Ranoldi, nunc episcopi parisiensis, et magistri Ioannis Aurelianensis, tunc cancellarii parisiensis et nunc fratris ordinis praedicatorum, quid ego sentirem, an quod in homine essent plures formae substantiales an quod unica tantum, et cum respondissem quod potius sentirem quod plures, ipse dominus Simon post modicam consultationem cum praedictis personis, me tracto in partem, mihi dixit: "Volumus et praecipimus tibi, quod publice determines in scholis tuis, quod in homine sint formae substantiales plures, non sola anima rationalis, ne scholares de cetero super hoc maneant in dubio." Et quia, secundum quod mihi visum fuit, suspicabatur ne satis efficaciter mandatum suum in hoc exsequeretur, comminando addidit: "Sis sollicitus ut clare et aperte determines plures formas substantiales esse in homine, quia in causa fidei nemini parcerem." Ex quo visum est mihi ipsum sensisse quod in determinando an plures formae substantiales vel tantum unica sint in homine, agitur causa fidei. Visum est etiam mihi quod dicere tantum unam formam esse in homine de consilio dictorum virorum damnaverit, licet non publice. Quid autem in hoc veritatis sit, melius, ut credo, sciunt dominus episcopus parisiensis Renaldus et frater Ioannes Aurelianensis, qui adhuc vivunt et de praedictis fidei testimonium perhibere poterunt (*Quodl.* X, q. 5, ed. Macken, p. 128 *app.*).

The document is simply extraordinary: the episode is described with a rare vivacity and all the references are absolutely circumstantial, up to the final invitation to address the members of the commission who were still alive. Everything is recounted in the most personal manner imaginable: the expression *mihi visum est* is repeated three times in the space of a few lines, accompanied by the incidental *ut credo*. There is perhaps no more direct testimony to the climate of opinion prevailing in 1277. If read attentively, however, the passage also tells us that the crisis was not just between the masters of theology and masters of arts, or between different groups of masters of theology, but above all between a restricted group of potentates (the legate, bishop, chancellor and future bishop) and the rest of the University of Paris. It tells us that not all the masters convoked by Tempier's commission had a real say in the matter. Finally, it tells us that the real protagonist behind the events of 1277 wasn't Tempier, though the condemnation bears his name, but Simon of Brion, who undoubtedly emerges as the most authoritative figure in the group. He is the one who calls Henry to appear before Bishop Tempier; he is the one who interrogates Henry, who consults the others, who takes Henry aside and threatens him. And finally, it is Simon who

explicitly presents himself as the champion of orthodoxy, affirming that in matters of faith he would spare no one (*causa fidei nemo parcerem*).

The last declaration suggests the existence of a personal rapport between Henry and the legate (confirmed by several diplomatic posts entrusted to the former by the latter). It is as if Simon were saying: on this issue I won't even make an exception for you. It should perhaps be stressed that we have no other sources or documentation in this regard: it is the structure itself of the quodlibetal questions that allows us access to material which other genres of scholastic sources are unable to provide. Naturally, the basic question remains: why was the whole passage suppressed; or rather, why didn't it leak into the version actually published or into the later university tradition? One could advance the hypothesis that, at a distance of ten years from the recorded events, the storm had died down and Henry no longer felt the need to evoke such dramatic events. This explanation is debatable, however, since the matter was certainly not over in 1286. Firstly, some of its artificers were still present (namely, the new bishop, but also Giles of Rome, who may have been involved in the events of 1277 and had returned to Paris as a *magister*). Secondly, other important interlocutors had come onto the scene in the meantime (Godfrey of Fontaines and the anonymous author of the *Quaestio de gradibus formarum* cited in *Quodlibet* X, if the latter is not Giles himself). Thirdly, just the year before a new commission had been convoked by Honorius IV to deal with the same subject. And finally, the recent condemnation promulgated at Oxford by John Pecham, archbishop of Canterbury, was still a burning issue, which seemed to involve more than ever the figure of Thomas Aquinas. If Henry decided to omit the passage referring to the episode then it was once again out of caution and not because those dramatic days were a distant memory.

References to the auctoritates and to His Contemporaries

Henry's interlocutors in the *Quodlibeta* can be divided into three main categories: the classical *auctoritates* (saints and philosophers), the *antiquiores magistri* or *antiqui doctores*, and his contemporaries. Those belonging to the first two categories are usually cited by name. The second includes, for instance, Peter Lombard, Gilbert of Poitiers (see *Quodlibet* III, q. 4, and adversely in *Quodlibet* V, q. 7, "opinio porretani

damnata”), Prepositinus (*Quodlibet* III, q. 4; *Quodlibet* IX, q. 8), William of Auxerre (cited several times in qq. 8 and 9 of *Quodlibet* IX) and Yves of Chartres (*Quodlibet* III, q. 4).

In this case, too, the cautionary formulae with which Henry expresses his disagreement with these authorities on certain points perhaps deserve to be quoted:

- Salva ergo reverentia beati Augustini, non omnino negandum est tempus esse extra animam (*Quodl.* III, q. 11, Bad. f. 64ra).
- salva eius reverentia (in reference to the *magister Sententiarum*, that is Peter Lombard; *Quodl.* I, q. 3, ed. Macken, p. 10.43).
- salva pace sua (in reference to Raymond of Peñafort; *Quodl.* I, q. 40, ed. Macken, p. 225.59).

The uncertainty regarding a given question may also depend on the absence of *auctoritates*:

Sed hic variatur opinio, quia deficit Philosophi determinatio (*Quodl.* I, q. 17, ed. Macken, p. 123.71).

In the third category (that of his contemporaries or near contemporaries), persons are not usually cited by name, unless they are already dead or are spoken of in a positive or neutral way:

- venerabilis doctor frater Thomas, bonae memoriae (*Quodl.* VII, q. 24, ed. Wilson, p. 202.37–38)
- alius venerabilis doctor, dominus Bonaventura (*Quodl.* VII, q. 24, ed. Wilson, p. 203.57–58).²⁷
- Ubi dicit dominus Albertus . . . (*Quodl.* I, qq. 12–13, ed. Macken, p. 80.83–84; the reference is interesting because Albert the Great was still alive in 1276).

²⁷ Both Aquinas and Bonaventure are cited again in the follow-on to the question (p. 231.99–01). Some of the positions of his (lately deceased) contemporaries are qualified as “solemn” in *Quodl.* XIII, q. 5, ed. Decorte, p. 27.56–7: “Et sunt circa hoc duae positiones sollemnes.” The most common (and solemn) of these two positions is that according to which Christ could have assumed any nature whatsoever: this thesis may be identified with both the one in the *Summa Halensis* and that upheld by Aquinas, to which Henry himself claims to have adhered for a time (“cui quandoque aliquantulum adsentire consuevi,” pp. 27.58–28.59). The other, less solemn, is the one which Henry “likes” best: “Propterea haec alia positio a praedicta, licet minus sollemnis, quae, cum magis applicabilis est animo, licet non videatur ita vera propter consuetudinem, tamen forte verior est, quod scilicet nulla natura susceptibilis est a Deo dicto modo per circumincessionem nisi natura intellectualis, magis mihi placet” (p. 34.98–02). Of course, the evaluation of Aquinas’ doctrines in Henry’s *Quodlibeta* is not always positive.

Adversaries, on the other hand, are cited anonymously, as was the custom. In these cases Henry's polemical vein emerges in all its force:

- unde patet quod valde insipienter dicunt aliqui quod eadem actione Deus res creat et conservat . . . (*Quodl.* I, qq. 7–8, ed. Macken, p. 37.55–56).
- Mirum est ergo quod hoc non possunt videre quidam theologi, quod viderunt philosophi . . . (*Quodl.* I, q. 9, ed. Macken, p. 51.9–10).
- Istae ut credo sunt difficultates maiores occurrentes ponentibus formam per se subsistentem posse esse formam et actum alicuius. Sed quantumcumque nos impugnant adversarii negantes animam intellectivam esse formam et actum corporis humani per suam substantiam, etsi ratione perfecte comprehendere non possumus . . . (*Quodl.* III, q. 15, Bad. f. 72vN), and later in the same question: Qui ista scit discernere et distinguere . . . , ei non est difficile intelligere quomodo anima sit forma et actus materiae sive corporis per suam substantiam. Quod autem hoc sit alicui difficile, hoc est quia nescit illa discernere, aut non advertit, aut dissimulat (Bad. f. 74vY).
- Omnis enim actus essendi circa creaturam dependet a sola voluntate creantis. Aliter enim Deus ante solem istum non potuisset fecisse hominem istum Adam, sicut fecit lucem, caelum, terram, maria et terrae nascentia, quod falsum est, nec hoc poneret aliquis Catholicus, cum quo quoad istum articulum principaliter est nostra disputatio (*Quodl.* VIII, q. 9, Bad. f. 317vD).²⁸

Some of the questions are formulated as a kind of lively dialogue between Henry and his adversaries. In the three questions on the composition of matter and form in *Quodlibet* IV Henry declares at the outset that he will attempt to reconstruct (and confute) the opinions of others rather than briefly set forth his own solution (“ . . . eas prosequemur non brevi sermone quid nobis visum sit respondendum ad eas proponendo, sed sermone exquisito pro posse nostro quid in ea ab aliis sentiri cognoscere potuimus pertractando,” Bad. f. 104vH). In particular, the third question (q. 13) of this triptych is an example of a veritable imaginary disputation, or one carried out at a distance:

Forte dicet adversarius . . . (Bad. f. 107rZ); Et forte ad argumentum respondendo diceret . . . (109vH); licet aliquis hoc aliquando finxerit irrationabiliter et absurde (110rM); Ad hoc forte dicet aliquis . . . (110rN); Et sic forte dicet . . . (110vP); Et secundum hoc forte dicet . . . (110vP);

²⁸ On the identification of the *aliquis catholicus* cf. P. Porro, “*Possibile ex se, necessarium ab alio*: Tommaso d’Aquino e Enrico di Gand,” *Medioevo* 18 (1992) (pp. 231–73), pp. 231–5.

Quod forte concederent tenentes illam opinionem . . . (112rZ); Praeter dictas rationes sunt adductae a quibusdam philosophantibus ad idem quaedam alia (114vI).²⁹

In general, Henry's main targets are naturally Godfrey of Fontaines (for instance, concerning the relation between volition and intellect, the ontological status of matter and the interpretation of the scientific nature of theology), but more especially Giles of Rome.³⁰ As is well known, the latter is the interlocutor of the lengthy disputation on the distinction between being and essence begun by Henry in *Quodlibet* I, in which Giles' theory of a real distinction (or better, the doctrine of participation related to it) is qualified as a "fantastic imagining":

Unde errat praecedens modus intelligendi esse participari a creatura, qui non est intellectus sed phantastica imaginatio (*Quodl.* I, q. 9, ed. Macken, p. 49.68–69).³¹

The confrontation flares up again when Giles returns to Paris in 1285. In *Quodlibet* X, q. 7, Henry replies quite scathingly to Giles' criticism of his doctrine of intentional difference:

Sed dicit ille: "Non intelligo quid sit differre intentione aliud quam differre ratione." Declaro ut intelligat (ed. Macken, p. 164.46–48).

Henry thus introduces three pairs of terms (rational animal and man; rational and white; rational and animal) as examples of each type of distinction (real, rational and intentional). The elucidation of the first two examples is introduced by a very direct *videtne*, followed by a rather derisive formula for the third:

²⁹ We may presume that the adversary in question is Giles of Rome; on the problem of prime matter, however, Henry also disagrees with Godfrey of Fontaines. On the status of matter in Henry cf. R. Macken, "Le statut de la matière première dans la philosophie d'Henri de Gand," *RTAM* 46 (1979), pp. 130–81; A. Pérez-Estévez, "La materia en Enrique de Gand," *Revista Española de Filosofía Medieval* 8 (2001), pp. 155–75. Henry returns to the question in *Quodl.* XV, q. 1: the reference in this case could be to Thomas Sutton (*Quodl.* IV, q. 6), but cf. also Giles of Rome, *Quodl.* VII, qq. 6–7, and Godfrey of Fontaines, *Quodl.* I, q. 4.

³⁰ Of course, many other interlocutors are present in Henry's *Quodlibet*, such as Richard of Menneville (Middleton), Thomas Sutton, Berthaud of Saint-Denis, and Thomas Aquinas. On the controversy between prelates and mendicants the *Correctorium* of William de la Mare is also explicitly cited: cf. *Quodl.* XIII, q. 14, ed. Decorte, pp. 146.43–147.44: "hinc religiosi quidam, prout ab eis, ut dicitur, scribitur in tractatu quodam quem scholares appellant *Correctorium* . . ."

³¹ It's likely that Giles is again the target in the question immediately following, on the status of matter, a question which is also in conflict with the Thomists' position: "hic primo oportet excludere falsam imaginationem quam habent quidam de materia . . ." (*Quodl.* I, q. 10, ed. Macken, p. 63.21–2).

Videtne primo quod animal rationale et homo differunt sola ratione . . . ? Videtne secundo quod rationale et album differunt re . . . ? Et quaero utrum videat tertio quod rationale et animal non differunt sola ratione . . . nec etiam differunt re . . . sed medio modo, scilicet plus quam ratione sola et minus quam re (ed. Macken, pp. 164.51–165.75).

The conclusion is explicit and hard-hitting: “Re vera, nisi claudat oculum rationis luci veritatis, non potest hoc non videre” (ed. Macken, p. 165.75–76). If the problem concerns the *name* of this intermediate distinction (*differre intentione*), then change it by all means. Henry really seems to lose his patience over this point:

Baptizetur ergo ille modus medius et detur ei nomen, et si non competenter possit appellari differentia secundum intentionem, ut omnino idem sit differre intentione et ratione, detur ei aliud nomen. Fatuum enim est disputare de nomine quando notum est de re (ed. Macken, p. 166.99–02).³²

The disputation culminates for Henry in the long and complex q. 3 of *Quodlibet* XI, in which we are again faced with a veritable disputation *ad personam*. Giles’ arguments are set forth and analysed, and Henry responds to each one, exposing himself in the first person. Just a glance at the frequency with which expressions such as *sed dico ego* recur should suffice: for instance, Bad. f. 441vT, f. 442rX, f. 442vE, f. 443vG, f. 444vR and T, f. 445vA; and sometimes without the adversative, “Et dico ego . . .,” f. 445rV.

The confrontation with Giles doesn’t only concern the distinction between being and essence, however. On the status of theology, for instance, Henry notes that Giles tries to use his (Henry’s) own arguments against him:

Sed praeterea ex dictis meis contra me nituntur arguere (*Quodl.* XII, q. 1, ed. Decorte, p. 12.92; the reference is to Giles’ *Quodl.* III, q. 2).

And in a subsequent question on angelic time, the accusation of confounding truth with fantasy returns:

. . . ipse id quod est phantasticum et secundum imaginem tantum, ponit esse aliquid secundum veritatem (*Quodl.* XIII, q. 7, ed. Decorte, p. 47.18–20).³³

³² The syntagma *falsa imaginatio* returns in the answer to the arguments (p. 177.40).

³³ Cf. P. Porro, “Ancora sulle polemiche tra Egidio Romano e Enrico di Gand: due questioni sul tempo angelico,” *Medioevo* 14 (1988), pp. 107–48. The explicit reference to a *quaestio de gradu formarum* in *Quodl.* X, q. 8 (ed. Macken, p. 200.52–3:

Another polemic that deserves to be mentioned is the one against those theologians (some of whom were his own colleagues) who, in order to exalt the value of philosophy, deny the scientific status of theology, thereby making it impossible to comprehend the objects of faith and disqualifying *de facto* their own profession. The reference in this case is probably yet again mainly to Godfrey of Fontaines,³⁴ but it could also be more general, if we take into account Henry's plan to make theology *the science par excellence* and the high esteem (mirroring that in which the *artista*e held the ideal of the philosopher) in which he holds the professional figure of the *magister theologiae*:

Et est magnum mirabile quod in quacumque alia facultate peritus niti-
tur scientiam suam, quantum potest, extollere, soli autem theologi
quidam, ut philosophiam videantur exaltare, theologiam deprimunt,
adserentes ipsam non esse vere scientiam, nec credibilia posse fieri vere
intelligibilia in vita ista. Tales sibi viam sciendi et intelligendi credi-
bilia praecludunt, et aliis desperationem intelligendi illa incutiunt, quod
valde perniciosum est et damnosum Ecclesiae et periculosum dicere.
Immo potius suadendum est quod certa ratio haberi potest de credi-
bili, per quam vere sciri et intelligi potest in vita ista (*Quodl.* XII,
q. 2, ed. Decorte, pp. 20.43–21.51).

References to Doctrinal Condemnations

In Henry's *Quodlibeta* there are, of course, frequent references to doctrinal condemnations. We have already alluded to some of these when speaking of his cautionary formulae, as well as to the passages in which Henry recalls both his involvement in Tempier's commission and the pressure he was put under by Tempier himself, and even more so, by Simon of Brion. Many of the condemned articles Henry mentions belong to the list of 219 (or 220?) propositions condemned by Tempier on 7 March 1277. Here is a list, which I do

"secundum quod habetur in superius nominata quaestione De gradu formarum") should be treated separately. Yet the question doesn't seem to have been named previously, except perhaps in an expunged passage, where the reference seems to be to Knapwell. Nevertheless the polemical target of the whole discussion seems once again to be Giles' position.

³⁴ Cf. Godfrey of Fontaines, *Quodl.* IV, q. 10 (1287); cf. also Godfrey's later writings: *Quodl.* VIII, q. 7 (1291 for Glorieux, 1292/93 for Wippel); *Quodl.* IX, q. 20 (1292 for Glorieux, 1293/94 for Wippel).

not claim to be exhaustive (the first number corresponds to the numeration of the *Chartularium Universitatis Parisiensis*, the second to Mandonnet and Hissette's numeration):³⁵

- Quodl.* II, q. 5: article 219/54
- Quodl.* II, q. 8: articles 96/42, 191/110, 81/43
- Quodl.* II, q. 9: articles 204/55, Prologue, 219/54
- Quodl.* III, q. 5: articles 124/147, 187/146
- Quodl.* IV, q. 15: article 124/147
- Quodl.* IV, q. 17: article 204/55
- Quodl.* V, q. 4: article 53/20
- Quodl.* V, q. 27: article 204/55
- Quodl.* X, q. 9: articles 159/164, 164/158, 129/169, 130/166
- Quodl.* X, q. 10: articles 130/166, 129/169
- Quodl.* X, q. 13: articles 129/169, 130/166
- Quodl.* XI, q. 1: article 96/42
- Quodl.* XI, q. 11: article ???
- Quodl.* XI, q. 15: article 159/79
- Quodl.* XIII, q. 4: article 204/55
- Quodl.* XIII, q. 7: article 204/55
- Quodl.* XIV, q. 16: article 124/147

The case of *Quodlibet* XI deserves special attention because an article is cited which, in Henry's formulation, is not actually on the list of propositions condemned by Tempier. (Indeed, next to the passage in question in MS Paris, BNF, lat. 15350 someone has written in the margin "falsum, quia articulus non reperitur."):

Quod dico, sed non asserendo: si enim esset aliqua substantia separata, quae esset mensura aliorum, in ipsa esset status. Sed secundum articulum quendam damnatum Parisi<us> nulla creatura habet statum in supremo, quoniam superior ea esse potest, eo quod in infinitum semper distat a substantia increata (Bad. f. 467rV).³⁶

The circumstance is all the more curious if we take into account the fact that Henry was part of the commission of theologians convoked by Tempier, and so he should have been familiar with the exact list

³⁵ I would like to thank Anna Arezzo, who has just completed her doctoral thesis on Henry's involvement in the condemnation of 1277, for her help in compiling this list. I refer the reader to her thesis (*Enrico di Gand e la condanna del 1277*, Università di Lecce 2004) for a more detailed examination of these passages.

³⁶ Cf. P. Porro, "Ponere statum. Idee divine, perfezioni creaturali e ordine del mondo in Enrico di Gand," *Mediaevalia* 3 (1993), pp. 109–59; idem, "Metaphysics and Theology in the Last Quarter of the 13th Century: Henry of Ghent Reconsidered," in *Geistesleben im 13. Jahrhundert*, J.A. Aertsen and A. Speer, eds. (Berlin-New York 2000), pp. 265–82.

of the censured articles. Actually, as the case examined above (on the localisation of separate substances) shows, Henry doesn't always agree with the contents of the condemnation.

Tempier's is not the only censure to which Henry refers, however. In *Quodlibet* X, q. 5, Henry defends himself against the accusation of falling foul of the condemnation of eight propositions on the question of man's substantial form promulgated by Archbishop Pecham in April 1286: "Sed dicet aliquis: ergo incido in articulum nuper damnatum in Anglia et haereticum reputatum . . ." (ed. Macken, p. 106.1–2).³⁷ Henry's reply is significant: without entering into the merits (or otherwise) of the condemnation, Henry recalls that all the propositions condemned by Pecham concern a theory which isn't his—that of the unicity of man's substantial form:

Revera non incido secundum modum quo articuli illi in Anglia reputantur erronei. Quem modum bene exprimit ille qui eos erroneos fore promulgavit . . . An haereses sint contenta in dictis articulis, non iudico, nec quod haereses sint, assero, sed quod omnes sequuntur ex opinione quae in 8^o articulo dicit quod "in homine tantum est una forma substantialis, scilicet anima rationalis, et nulla alia," constanter affirmo (ed. Macken, p. 106.9–18).

In a passage later suppressed not only does Henry seem to adduce Knapwell as the presumable target of Pecham's condemnation ("Sic enim arguitur in quodam tractatu *De gradibus formarum*, quem dicitur conscripsisse ille contra quem dicti articuli dicuntur fuisse promulgati"; ed. Macken, p. 107, *app.*), but he analyzes all the initial articles of the condemnation, demonstrating the possible reasons for their heresy. In this case, too, it is interesting to note that the version actually published has been quite toned down with regard to the one initially prepared for publication.

We have already had occasion to refer to Gilbert of Poitiers' condemnation of a century earlier. Other references to the official line taken concern the famous *propositio magistralis* "Non est malitia in voluntate nisi sit error in intellectu," often mentioned in the questions on the relation between intellect and volition, as well as all the papal bulls (especially Martin IV's *Ad fructus uberes*) cited in the numerous questions on the privileges conceded to Franciscans and Dominicans in matters of confession.

³⁷ Cf. G.A. Wilson, "Henry of Ghent and John Peckham's Condemnation of 1286," in *Henry of Ghent*, Guldentops and Steel, eds., pp. 261–75.

References to Historical Events and News Items

One of the elements that makes the *Quodlibeta* more interesting than other genres of medieval theological or philosophical texts is the presence of questions that concern contemporary facts—news items or actual historical events. We’ve encountered the case of the separate burial of Philip III’s heart, and we may presume that the university questions reflected lively discussions that took place outside the university itself. In this case, too, Henry’s *Quodlibeta* contain elements of interest. For instance, a presumable hint of the discussions that must have taken place in Paris towards the end of 1284 on whether or not to begin a “crusade” against the king of Aragon—a crusade that would actually take place in 1285 (*Quodlibet* VIII, q. 17).³⁸ Or the reference to a miracle that caused a stir in Paris at the beginning of July 1290, when a Jew saw a consecrated Host bleed after he had perforated it and so decided to convert and be baptised (*Quodlibet* XIV, q. 15: “Utrum Iudaeus pungens hostiam consecratam, qui videns sanguine emergente ex puncturis ipsam rubescere, et viso miraculo convertitur et baptizatur, debeat pro isto delicto puniri a iustitia publica”—Henry was against any eventual punishment).

Yet the most significant question in this respect is undoubtedly the one related to the fall of Acre. The formulation of the question might appear generic—a case of military deontology, one could say: “Utrum miles irruens praevolando consortes suos in hostium exercitum faciat opus magnanimitatis” (*Quodlibeta* XV, q. 16, Bad. f. 594r–vP). Nevertheless, Henry himself tells us that the question regards the specific case of the fall of the Christian stronghold (which came as a great shock to the West) and the subsequent massacre of its inhabitants: “Quaestio ista tangit, et in exemplum proponit captionem, subversionem atque destructionem civitatis Acconensis atque Christianorum et incolarum eiusdem” (Bad. f. 594rP). Acre fell in May 1291, and Henry seems to be familiar with Nicholas IV’s appeal for a crusade made in August of the same year in the *Illuminet super nos*. Moreover, since Henry speaks of Nicholas as still alive, we have a precise *ante quem* for the dating of the question: 4 April 1292 (the date of the pope’s death).³⁹

³⁸ Glorieux I, p. 92.

³⁹ These chronological elements, on which Glorieux so insists (I, p. 93), must be taken with a pinch of salt, so to speak. As Wippel has rightly observed (“Quodlibetal

If we reread the question attentively, we glean what might have been the subject of the Parisian debate on the event. What would have been the best thing for everyone to do: fight till the bitter end or flee in order to avoid a massacre? Henry chooses the first alternative: everyone, women included, should have defended the citadel to the end. The *quaestio* is also an occasion for Henry to discuss the notion of a just war and the moral implications of an armed conflict. Interestingly, Henry cites Flavius Renatus Vegetius, author of a late-fourth-century military treatise on the art of war—evidence of learning not strictly related to his field that a master of theology of his calibre could possess.

If we examine the *Quodlibeta* closely, we find references to lesser-known facts, that is, to events in the daily life of the citizens and the university. For instance, we might ask whether the unusual formulation of *Quodlibet* II, q. 12 (“Utrum digni licentiarum in theologia, qui non licentiantur, adipiscant aureolam”), hides an implicit reference to the fact that Giles of Rome had been forced to leave the University of Paris in those months. Moreover, Henry chooses examples from the most diverse circumstances. In *Quodlibet* VI, q. 22, he includes some interesting personal reflections on the conversion of different currencies and the rate of exchange (ed. Wilson, pp. 208.46–209.56). There are coins in circulation (*currunt*) by royal decree, like the *albi* and *nigri* minted in Tours and Paris respectively, and others that are tolerated, like the *Sterlingi*. A conversion is possible not only if both currencies are valid in the same place at the same time, but also when one of them is not valid. The first instance is accompanied by a rather personal aside, which seems to refer to the actual devaluation of one currency with regard to the other: “puta si quis Parisius pro uno albo Turonense vellet habere decem Parisienses—sic enim iam appretiati sunt.”

Questions,” p. 194): “it is not inconceivable that a given historical event might have occurred after the oral presentation of a *Quodlibet*, but before its final written redaction. In such a case, it would not be impossible for the Master to have introduced some reference to that event while preparing his final written answer to another question . . .”

*References to Other Works by Henry**Other Quodlibeta*

As mentioned above, Henry loves to quote himself, and luckily for those who study him today, he always tries to give as complete a picture as possible of his thought, even justifying later omissions. Obviously, we won't examine here all the passages in the *Quodlibeta* in which Henry refers to his other writings, but we will look instead at a few specific examples. One of the most interesting is the passage in *Quodlibet* II in which Henry returns to the question dealt with in the previous *Quodlibet* of the problem of man's substantial forms, a question which Henry had left essentially open, thus alarming Simon of Brion and Tempier, as we have seen. Henry seeks to justify his position on the previous occasion by saying that he had dwelt on the theory of unicity simply because it was the most complex, but hadn't really taken up any position:

Quaestio ista proposita erat, ut credo, propter determinationem habitam in anno praecedenti circa illam quaestionem: "utrum in corpus Christi in sepulcro, anima separata ab eo, aliqua forma nova, qua informabatur, fuit introducta" . . . Quis tamen horum modorum sustinendus esset secundum veritatem fidei, non determinavi. Utrumque enim horum modorum exposui, sed neutrum sustinui, quia hoc non pertinebat ad illam quaestionem. Exposui tamen magis modum ponendi, anima separata, materiam manere nudam, quia obscurior erat. Non tamen omnino fuit intentionis meae ipsum asserere, licet hoc aliquibus videbatur, quia prolixius in eo prosequendo immoratus fui. Sed aspicienti scriptum patet clare quod neutrum illorum modorum sustinui, sed solummodo utrumque ipsorum exposui suo modo. Unde, quod tunc videbatur omissum quasi in dubio, positum est in quaestione praesenti (*Quodl.* II, q. 2, ed. Wielockx, pp. 11.52–55 and 11.66–12.76).

A similar case concerns the question of matter, or more specifically, whether or not we can call unformed matter a "body" (presumably Henry's target is once again Giles of Rome). In *Quodlibet* IX, q. 8, Henry recalls that he had already dealt with the question in his first *Quodlibet*, when the thesis had just been advanced, and he himself had not examined it in depth. So he had confined himself on that occasion simply to setting it forth and not to confuting it:

Aliquam tamen apparentiam dedit illa imaginatio partis materiae extra partem ad vocandum materiam nudam corpus quoquo modo, secun-

dum quod pertractavimus in prima disputatione nostra de quolibet, quando positiō illa recens erat, non tantum per<s>crutata quantum modo, propter quod nec eam ibi reprehendimus, sed eam solummodo cum aliis exposuimus, nihil definiendo (*Quodl.* IX, q. 8, ed. Macken, p. 159.96–01).

Once again Henry is at pains to specify that he had confined himself to a comparative examination, so to speak, without taking up a position of his own:

... in illa quaestione nullam dictarum trium positionum commendavi nisi comparative, sed nullam earum absolute tenui aut sustinui, sicut patet inspicienti (ed. Macken, p. 170.7–9).

In *Quodlibet* X, q. 10, concerning the condemned article “si scientia est recta, voluntas est recta” (art. 166/130), Henry admits that in his first *Quodlibet* (and so before Tempier’s condemnation) he had only considered one aspect of the question (the so-called psychological determinism): “Et si bene recolo, in finibus istis steti sub quodam involucro in I^o *Quodlibet* quod scripsi” (ed. Macken, p. 268.79–80; the passage is quoted above). Now he must go on to show (“Sed modo ulterius procedendum est”) in more detail all the possible relations between intellect and volition.

Other circumstances are not so taxing from a doctrinal point of view. In *Quodlibet* VII, q. 12, for instance, Henry grapples with a bizarre question on how to count on one’s fingers, and what the significance is of certain numbers in Scripture. He recalls having had to deal with a similar question in his first *Quodlibet*, but treating it in a cursory manner, since it was either futile or irrelevant:

De quibus unum in praedicto Quolibet transitorie tetigimus, non multum curantes de quaestione, tamquam paene inutili nisi propter intellectum aliquarum Glossarum. Sed ne aliquid circa illam de contingētibus omittamus, nunc ad declarationem huius quaestionis et dictorum in illa quaestione, totam materiam utriusque diffusius prosequamur (*Quodl.* VII, q. 12, ed. Wilson, p. 75.35–40).

Probably the decision to take up the whole issue again in greater detail depended on his confrontation with an implicit interlocutor, most likely Berthaud of Saint-Denis,⁴⁰ Henry’s great adversary in the disputation on confession. What really matters, however, is that in this case, too, Henry tends to consider his entire quodlibetal production as a unified whole.

⁴⁰ Cf. also G.A. Wilson, “Berthaud of St. Denis. An Opponent of Henry of Ghent’s Counting Method,” *Mediaeval Studies* 55 (1993), pp. 81–94.

References to the Summa

As already mentioned, all the cross-references between Henry's *Summa* and *Quodlibeta* were indexed by Gómez Caffarena in order to have a relative chronology of the two collections. We will confine ourselves, therefore, to recalling some particularly significant examples. Henry frequently justifies his choice of treating a given question summarily in the *Quodlibeta* by the fact that he has already dealt with it systematically and exhaustively in the *Summa*:

- Alibi in aliis quaestionibus nostris prolixius tractavimus hanc materiam. Ideo sub compendio ad praesens transimus (*Quodl.* III, q. 18, Bad. f. 79vM).
- . . . de qua in quibusdam aliis quaestionibus nostris fecimus sermones prolixos. Unde ex illis quae ibi exquisitius exposuimus, in summa dicemus . . . (*Quodl.* IV, q. 4, Bad. f. 90vA).
- in quibusdam quaestionibus nostris de simplicitate Dei, sufficienter exposita est a nobis . . . (*Quodl.* IV, q. 5, Bad. f. 92rH).⁴¹

In some cases the reference is ambiguous, since it could refer either to an article in the *Summa* or to earlier *Quodlibeta*, or both. In *Quodlibet* X, q. 8 (ed. Macken, p. 203.21), for instance, Henry writes “secundum quod in aliis quaestionibus usi sumus.” The reference could be to article 27, q. 1, of the *Summa*, but also to qq. 2 and 9 of *Quodlibet* III, which he mentions, moreover, in the *Summa*. The use of the plural could be justified by a reference to the *Quaestiones ordinariae*, but also by a reference to all three questions (ordinary and quodlibetal) taken together. Moreover, sometimes Henry corrects himself generically without any specific reference. An interesting example of this, once again with an absolutely personal tone, is to be found in *Quodlibet* VI, q. 7:

Ut puto, aliquando mihi visum est propter secundam rationem, quod una natura humana a pluribus personis divinis assumi non possit, sed exquisitius inspiciendo ad naturam rei assumptae et modum personalitatis ad quam assumitur, plane apparet quod ratio illa nihil cogit (ed. Wilson, pp. 73.14–74.17).

Finally, Henry seemed, interestingly enough, to have in mind a division of the subject matter between ordinary and quodlibetal questions, on the basis of which he decided to deal with certain

⁴¹ Inversely, in the *Summa* there are references to the *Quodlibeta* which are just as interesting: for example, cf. art. 27, q. 1 (ed. Badius, Parisiis 1520, reprint St. Bonaventure, NY, 1953, f. 162vT) and art. 58, qq. 1 and 2 (Bad., f. 195rS and 129vD).

arguments—for instance, relations in creatures—in the *Quodlibeta* but not in the *Summa*:

Ex his, ut aestimo, possunt patere quaecumque obscura reliquimus circa relationes, maxime in creaturis, de quibus per intentionem locuti non sumus alicubi nisi in quaestionibus de Quolibet (*Quodl.* IX, q. 3, ed. Macken, p. 88.11–13).

This choice (*per intentionem locuti non sumus alicubi nisi...*) is particularly significant when we recall that the *Summa* is missing the proposed part *de creaturis*. Indeed, at a certain point Henry himself seemed to have begun to consider the *Quodlibeta* as a substitution for the unwritten part of the *Summa*. We shall soon be able to verify this with a statistical analysis of the division of the questions by subject matter.

The Tractatus super facto praelatorum et fratrum

The *Tractatus super facto praelatorum et fratrum*, the polemical work in twelve *peciae* that represents the most systematic exposition of Henry's position with regard to the interpretation of Martin IV's bull *Ad fructus uberes*, is not the fruit of a quodlibetal disputation. As we have seen, it is a question *disputata seorsum*.⁴² Nevertheless, in at least part of the manuscript tradition, a shorter version of the *tractatus* appears as q. 31 of *Quodlibet* XII. Henry himself probably decided to insert it, though we don't know whether this was due to a question actually raised during the disputation or as a simple addition in the redaction. There is at least one other instance of Henry "decanting" so to speak, in one of his *Quodlibeta*, material elaborated elsewhere, and this is *Quodlibet* XI, q. 6.⁴³

Apart from later additions, we may even conjecture that Henry sometimes prepared a text before a disputation and deliberately had himself questioned on the subject. According to Wielockx, this is what happened in *Quodlibet* III, q. 6, in which Henry clarifies the

⁴² Cf. R. Macken, "Ein wichtiges Ineditum zum Kampf über das Beichtprivileg der Bettelorden: der *Tractatus super facto praelatorum et fratrum* des Heinrich von Gent," *Franziskanische Studien* 60 (1978), pp. 301–10; P. Porro, "Il *Tractatus super facto praelatorum et fratrum* di Enrico di Gand. La controversia tra clero secolare e Ordini Mendicanti alla fine del XIII secolo," *Quaderno di cultura e formazione* 3 (1990), pp. 37–66; idem, "Henry of Ghent on Ordained and Absolute Power," in *Henry of Ghent*, Guldentops and Steel, eds., pp. 387–408.

⁴³ Cf. R. Macken, "Heinrich von Gent im Gespräch mit seinen Zeitgenossen über die menschliche Freiheit," *Franziskanische Studien* 59 (1977) (pp. 125–82), pp. 161–7.

theory of dimorphism elaborated in the preceding *Quodlibet* and responds point by point to Giles of Rome's *Contra gradus*:

Vu leur ampleur et leur caractère à la fois systématique et détaillé, ces précisions doctrinales et cette critique à l'adresse du *Contra gradus* ne sont manifestement pas le fait d'un quodlibétier surpris par ses objectants: elles sont le fruit d'une maturation des idées personnelles et d'un travail rédactionnel assidu. Bref, la présentation du dimorphisme telle qu'elle se trouve dans le *Quodlibet* III est le fruit d'une préparation écrite, soigneuse et longue: l'auteur, une fois en possession de son texte, a fixé une date pour sa prochaine dispute quodlibétique et il s'est arrangé pour qu'on lui pose, lors de ces séances, une question qui lui permettait de sortir ses papiers tout faits.⁴⁴

Similarly, we might also ask whether the version of *Quodlibet* X, q. 7, in MS Bologna, Collegio di Spagna 133, edited by Concetta Luna⁴⁵ (which seems to reflect an earlier stage of the circulated version), represents a text prepared by Henry before the quodlibetal disputation and only used for the final redaction of the *Quodlibet* after the necessary changes had been made. If this is the case, then we mustn't exclude the possibility that Henry's *Quodlibeta*, as we know them, only partly reproduce what actually happened during the disputation, and that they contain material prepared in advance.

The Subject of the Quodlibeta and the Division of the Material

It is well-known that Glorieux⁴⁶ and Wippel⁴⁷ have proposed a typology of the different ways in which the masters of the thirteenth and fourteenth century could organise the material of their disputations: a) the *Quodlibet* "ordinaire"; b) the *Quodlibet ex abrupto*; c) the *Quodlibet* with an Introduction; d) the *Quodlibet* with a Summary; e) the *Quodlibet* with a Prologue. Generally speaking, Henry's *Quodlibeta* belong to the third category, that of the *Quodlibet* with an Introduction, in which "the Master is not content merely to indicate the general headings

⁴⁴ Cf. R. Wielockx, "Introduction," in Henricus de Gandavo, *Quodlibet* II, p. xix.

⁴⁵ Cf. C. Luna, "Nouveaux textes d'Henri de Gand de Gilles de Rome et de Godefroid de Fontaines," *AHDLM* 65 (1998), pp. 151–272.

⁴⁶ Cf. P. Glorieux, "Le *Quodlibet* et ses procédés rédactionnels," *Divus Thomas* (Piacenza) 42 (1939), pp. 61–93.

⁴⁷ Wippel, "Quodlibetal Questions," pp. 167–71.

for his various divisions and subdivisions, but also offers some kind of justification for these.”⁴⁸

As a basic criterion for organising his material Henry seems to favour the dichotomy God/creatures—an “objective” criterion so to speak, based on the subject matter around which the questions are raised, and not an “epistemological” criterion, which was adopted by some of his colleagues (for instance, the distinction between questions of speculative theology and those of practical theology, or between questions related to theology as a science and those related to the subject matter of theology).

Under the main headings of this bi-partition (God/creatures) the criteria for the further subdivisions vary to a certain extent. Normally the hierarchy is the traditional one: God—separate rational creatures—corporeal rational creatures—inanimate creatures. Nevertheless, in *Quodlibet* XIV the only question related to purely corporeal substances, for example, precedes all those questions related to spiritual or animate creatures. And again, the questions related to Christ’s assumed humanity, which usually figure in the section on God, seem to be part of the section on creatures in *Quodlibet* XV.

On one occasion (XII) the entire *Quodlibet* is dedicated to God and the intellectual substances, while on another (VI) questions relating to angels are missing altogether (obviously, in this case, we must take into account the interests of those who raised the questions). Moreover, the incipit of *Quodlibet* XII is unusual for Henry, since it divides the total number of the questions from the outset into three main sections: “Quaesita in nostra generali disputatione de Quolibet duodecimo erant 31, et omnia pertinebant ad Deum et ad creaturam intellectualem. Et erant communiter pertinentia ad Deum et ad creaturam intellectualem sex, ad creaturam autem intellectualem incorpoream tria, ad hominem autem compositum ex natura intellectuali incorporea et corporea 22” (ed. Decorte, p. 3.1–5).

A statistical analysis of the composition of the different *Quodlibeta* yields interesting results, but above all it prevents us from considering Henry’s *Quodlibeta* as an exclusively theological text (in the strictest sense). Beginning with the most general data: the *Quodlibeta* with the most questions are *Quodlibet* I (with *almost* 42 questions, as Henry

⁴⁸ Wippel, “Quodlibetal Questions,” p. 169. But, as both Glorieux and Wippel admit, it is very difficult to “draw a sharp division between Quodlibets of this type and those in the first category—the Quodlibets *ordinaires*.”

himself writes, since more questions could actually be included) and *Quodlibet* V, with 41. Altogether the 15 *Quodlibeta* contain 427 questions, with an average of 28.46 questions per *Quodlibet*.

Nevertheless, the balance between the first and second phases of Henry's career is not perfectly equal (traditionally, the first phase coincides roughly with *Quodlibeta* I–VII, the second with *Quodlibeta* VIII–XV). The first group contains 230 questions (with an average of 32.85 questions per *Quodlibet*), the second 197 (with an average of 24.62 questions per *Quodlibet*). Moreover, in the second group the questions are on average longer than the more “youthful” ones. Glorieux's general assumption, corroborated by Wippel, that “particular questions within a given *Quodlibet* will be relatively brief when compared with particular questions contained in Ordinary Disputed Questions, at least when both date from roughly the same period”⁴⁹ does not seem to be applicable to Henry in a strict sense, given that Henry's quodlibetal questions can be much longer than his ordinary ones.

Within Henry's entire quodlibetal production there are 39 questions relating solely to God (9.13%); to which may be added two questions on the *exitus* of things from God, 26 on God in comparison with creatures and on creatures in relation to God, for a total of 67, or 15.69% of the questions. This is why we believe that the *Quodlibeta* in some way substitute for the *Summa de creaturis*.

Only 14 questions are dedicated *specialiter* to angels (to which may be added a question dedicated to the *daemones tantum*): altogether just 3.51%. Instead, there are 232 questions relating to man *ut compositum*—that is, man in the strict sense (excluding therefore all the general questions on creatures in relation to God or vice versa, all those on spiritual creatures without any distinction between angels and man, and all those specifically on souls separated from their bodies)—an astonishing 54.33%, which is even higher if we take into account the cases excluded above. Thus Henry's *Quodlibeta* are, first and foremost, a work of anthropology, and more especially of pragmatic anthropology in the Kantian sense.

Only eight questions are dedicated *specialiter* to inanimate substances (1.87%), to which may be added, however, some other questions on matter and the material principle in general, on being as such, on number (four), relation and time. There are 26 questions

⁴⁹ Wippel, “Quodlibetal Questions,” p. 173; for Glorieux cf. “Aux origines du *Quodlibet*,” *Divus Thomas* (Piacenza) 38 (1935) (pp. 502–22), pp. 511–14.

on worldly goods (including questions on the ethics of the *mercatores*, without distinguishing between ecclesiastical and worldly goods): 6.08% of the total, which is almost doubled (11.20%) if we consider as the total only the questions relating to man.

There are four questions on *principes* and *subditi saeculares*, as a separate heading, five on the *doctores*. In this classification we have only taken into account the way in which Henry himself classifies the arguments, without considering that the same themes may be discussed in questions under different headings (for instance, the doctors are discussed in a question headed *de peccatis*—see below). The advantage of such a classification is that it respects the taxonomy adopted by Henry himself.

If, instead, we consider the questions independently of the order chosen by Henry, we can isolate other groups of “transverse” questions, which are similar in content. One substantial group consists of questions relating to the oft-cited privileges conceded to the mendicant orders in the matter of confessions (a theme that occupies the final part of *Quodlibet* VII and dominates the beginning of *Quodlibet* X), while other more philosophical groups concern the relations between intellect and volition,⁵⁰ the distinction between being and essence, human dimorphism, the status of prime matter, the different types of creaturely duration and so on—basically, the most studied aspects of Henry’s thought.

Many other questions deal with casuistry, applied ethics and the deontology of certain professional figures (for instance, the university masters).⁵¹ Some of these have recently attracted the attention of historians, since it is possible to glimpse in them the birth of a new vocabulary of human rights. This is especially true of *Quodlibet* IX, q. 26 (if someone condemned to death can legitimately escape), in which, according to Brian Tierney, the idea of a natural right to survival seems to emerge for the first time in Western thought.⁵²

⁵⁰ Cf. *Quodl.* I, qq. 14–19; *Quodl.* IV, q. 22; *Quodl.* V, q. 27; *Quodl.* IX, qq. 5–6; *Quodl.* X, qq. 10–11 and 13–15; *Quodl.* XII, q. 5; *Quodl.* XIII, qq. 1–2 and 9–11; *Quodl.* XIV, qq. 2 and 5.

⁵¹ Cf. *Quodl.* I, qq. 34–35; *Quodl.* II, q. 12; *Quodl.* X, q. 16; *Quodl.* XII, q. 16; *Quodl.* XIV, q. 12; *Quodl.* XV, q. 15.

⁵² Cf. B. Tierney, “Natural Rights in the Thirteenth Century. A *Quaestio* of Henry of Ghent,” *Speculum* 67 (1992), pp. 58–68, and idem, *The Idea of Natural Rights. Studies on Natural Rights, Natural Law and Church Law 1150–1625* (Atlanta 1997), esp. pp. 78–89 (“Right and Duties. A *Quaestio* of Henry of Ghent”) (also available in Italian translation: *L’idea dei diritti naturali. Diritti naturali, legge naturale e diritto canonico 1150–1625*

A quick glance at the list of Henry's quodlibetal questions reveals various interesting themes. Whether the doctors should consider it a sin not to work for the conversion of the infidels (*Quodlibet* XIV, q. 12). Whether reprisal is legitimate; that is, whether subjects should be punished for the crimes of their lords (*Quodlibet* VIII, q. 26). Whether it is better *not to be* or to live in misery (*Quodlibet* I, q. 20). Whether those who don't believe in an afterlife should choose to die for their country (*Quodlibet* XII, q. 13).⁵³ Whether one should pursue one's own happiness or the happiness of others (*Quodlibet* IX, q. 19).⁵⁴ Whether killing someone in a state of drunkenness is a sin or not (*Quodlibet* III, q. 26). Whether killing someone in legitimate defence is permissible (*Quodlibet* V, q. 31). Whether duels are legitimate (*Quodlibet* V, q. 32). Whether a judge can force someone to confess something if this leads to someone else's death (*Quodlibet* IX, q. 25). Whether the death penalty can be applied for crimes against property (*Quodlibet* XI, q. 18). In all these cases it is clear that in the quodlibetal disputations the *magister* of theology's authoritative opinion was sought in matters which were anything but abstract. And the same goes for the numerous questions on economic ethics⁵⁵ (from the establishing of prices to fiscal systems) and legal ethics.⁵⁶

Naturally, the quality of the questions posed is not always so high or intellectually intriguing. In the field of casuistry, for instance, we

[Bologna 2002], esp. pp. 119–34: “Diritti e doveri. Una *Quaestio* di Enrico di Gand”; V. Mäkinen, *Property Rights in the Late Medieval Discussion on Franciscan Poverty* (Leuven 2001), esp. pp. 105–23.

⁵³ Cf. G. Fioravanti, “*Pro patria mori*: un conflitto di modelli etici nel pensiero medievale,” in *HENOSIS KAI PHILIA. Unione e amicizia. Omaggio a Francesco Romano*, M. Barbanti, G.R. Giardina, and P. Manganaro, eds. (Catania 2002), pp. 643–51; M.S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford 1999), esp. pp. 171–8.

⁵⁴ Cf. Kempshall, *The Common Good*, esp. pp. 165–70.

⁵⁵ Cf. for example *Quodl.* I, qq. 39–42; *Quodl.* II, q. 15; *Quodl.* III, q. 28; *Quodl.* IV, qq. 20, 26–29; *Quodl.* VI, qq. 25 and 27; *Quodl.* XIV, q. 14. Cf. on this issue F. Veraja, *L'origine della controversia teologica sul contratto di censo nel XIII secolo* (Roma 1960); A. Spicciati, “La mercatura e la formazione del prezzo nella riflessione teologica medioevale,” *Atti dell'Accademia nazionale dei Lincei. Memorie della Classe di Scienze Morali, Storiche e Filologiche*, serie VIII, 20 (1977), pp. 127–293 (c. II: “I primi tentativi di analisi dell'economia mercantile: Tommaso d'Aquino e Enrico di Gand,” pp. 150–80; esp. pp. 171–80); Kempshall, *The Common Good*, esp. pp. 191ff.; G. Todeschini, *I mercanti e il Tempio. La società cristiana e il circolo virtuoso della ricchezza fra Medioevo ed Età Moderna* (Bologna 2002), esp. pp. 128–30, 354–7, 360, 363, 427, 435 and *passim*; Ceccarelli in this volume.

⁵⁶ Cf. for example *Quodl.* VIII, q. 22.

find the classic questions on the paradoxes arising from the vows of secrecy in hearing confession. (See *Quodlibet* VIII, q. 31: if someone confesses that he intends to kill someone else, should the confessor tell that person? And *Quodlibet* VIII, q. 29: if an abbot hears in confession from a monk with care of souls that he is seducing his female parishioners, should the abbot ban him from his pastoral duties and make him leave the abbey?) Bizarre and mischievous questions are not lacking either. Can a priest absolve the parishioner with whom he himself has sinned (*Quodlibet* IX, q. 24)? Whether after the Resurrection a man is still bound by the marriage vows with his previous wife (*Quodlibet* III, q. 27) or by his religious vows (*Quodlibet* I, q. 37). How do we count numbers on our fingers (*Quodlibet* I, q. 36)? Is the praise of the Blessed vocal in Heaven, given that there is no air (*Quodlibet* VII, q. 7)? Should a newborn baby with two heads receive two names at baptism (*Quodlibet* VI, q. 14)? And if a priest uses the ritual formula “ego te baptizo,” which of the two is baptised (*Quodlibet* VI, q. 15)?

Henry is usually quite deft at bringing even the strangest questions round to more important and interesting themes. We may also presume that he enjoyed being able to express his own authoritative opinion on questions over which he had been consulted. In contemporary imagery, the quodlibetal disputations are comparable either to spectacular verbal tournaments or to press conferences. I believe that Henry was more interested in the latter aspect.⁵⁷ If we take into account the great importance and responsibility that he attributed, in rather elitist fashion, to the figure of the master of theology, then the *Quodlibeta* must have represented for him, more than any other public act, the master’s right to express his own opinion in every field of human experience, but also his duty to do so as accurately as possible. Evidence of this is to be found not only in Henry’s specifications in the above-mentioned questions on the deontology of the university masters, but also in the cautionary formulae discussed earlier. The determination of a quodlibetal question is a free act in which one is exposed in the first person and for which one assumes full personal responsibility. And to this critical freedom of

⁵⁷ Despite Glorieux’s judgment, II, p. 13: “On pouvait s’attendre à de belles joutes quand c’était un Henri de Gand . . . qui relevait le gant.” On related topics, see Marmursztejn and Solère in this volume.

the *magister* must correspond the equally responsible and onerous freedom of the students:

discipulus ordinatus debet penes se examinare dicta magistri antequam eis firmiter adhaereat (*Quodlibet* XII, q. 16, ed. Decorte, p. 92.29–31).

Appendix: Schematic Table of Henry of Ghent's Quodlibeta

Quodlibet I (quasi [!] 42)

Ad primum principium (6)

- ad eius divinitatem (1)
- ad eius assumptam humanitatem
 - ad eius esse naturale (3)
 - ad eius esse sacramentale (2)

Ad processum (exitum) rerum ab ipso (2)

Ad res procedentes ab ipso (ad creaturas) (34)

- in communi et in generali (1)
- in speciali
 - de primo principio materiali (1)
 - de ultimo principio formali (de anima rationali)
 - de anima ut separata
 - ad statum gloriae (1)
 - ad statum naturae (2)
 - indifferenter de anima ut separata et ut coniuncta
 - de comparatione principalium potentiarum eius inter se (1)
 - de comparatione actionum ipsarum (5)
 - de composito ex utroque (scil. de homine)
 - ad singulos homines generaliter
 - ad statum miseriae (1)
 - ad statum culpae
 - ad statum culpae originalis (4)
 - ad statum culpae actualis (2)
 - ad homines constitutos in diversis statibus ecclesiae specialiter
 - ad praelatos (7)
 - ad doctores (3)
 - ad religiosos (2)
 - ad mercatores

- ad modum mercandi (2)
- ad tempus mercandi (2)

Quodlibet II (19)

Ad Deum (5)

- ad eius divinitatem (1)
- ad eius assumptam humanitatem (4)

Ad rationa[bi]lem creaturam (14)

- ad ipsam simpliciter acceptam (2)
- ad singulas species eius
 - ad angelos (2)
 - ad homines generaliter (2)
 - ad aliquos homines specialiter
 - ad eorum bona spiritualia
 - ad bonum vitae futurae (1)
 - ad bona vitae praesentis (2)
 - ad eorum bona carnalia sive temporalia
 - communiter ad bona ecclesiasticarum et saecularium personarum (2)
 - specialiter ad bona virorum ecclesiasticorum (3)

Quodlibet III (28)

Ad primum principium et ad creaturas simul (1)

Ad primum principium (7):

- ad eius divinitatem (2)
- ad eius assumptam humanitatem (4)
- communiter ad utrumque (1)

Ad creaturas (20):

- simpliciter et in generali (1)
- ad diversas creaturas in speciali
 - circa relativa (1)
 - circa successiva (1)
 - circa subito transeuntia (1)
 - circa permanentia et absoluta
 - ad daemones (1)
 - ad homines
 - ex parte animae (2)
 - ex parte totius compositi
 - ad generationem (1)
 - ad status diversos hominis generati
 - ad statum naturae (1)

- ad statum supervenientem hominum naturae
 - ad statum gratiae:
 - ad instructionem partis intellectivae (1)
 - ad directionem partis affectivae (ad vota religiosorum) (4)
 - ad statum culpae:
 - de revelatione peccati alieni (1)
 - de commissione peccati proprii (3)
- ad statum medium indifferentem
 - ad contractos humanos (2)

Quodlibet IV (37)

Circa Deum (3)

- Ad personales relationes
 - in communi (1)
 - circa relationem filiations in speciali (2)

Circa creaturas (34)

- communiter ad omnes creatura
 - ad creaturae essentiam (1)
 - ad quoddam accidentale (ad numerum) (2)
- ad diversa genera creaturarum
 - ad omnes creaturas intellectuales
 - ad intellectum intellectualis creaturae
 - de intelligendo seipsas (1)
 - de intelligendo Deum (2)
 - ad voluntatem creaturae intellectualis (2)
- ad omnes creaturas corporales
 - ad compositum ex materia et forma (1)
 - ad principium formale (3)
- specialiter ad creaturas incorporeas (2)
- ad creaturas intellectuales corporeas
 - ad quendam hominem singularem definite (1)
 - ad unum hominem singularem indefinite (1)
 - ad communitatem hominum in una civitate (1)
 - generaliter ad hominum diversitatem
 - principaliter ad animam
 - ad intellectum (1)
 - ad voluntatem (4)
 - principaliter ad corpus et ad corporis usum
 - de acquirendis (2)

- de acquisitis: de bonis communibus ecclesiae (1) / de bonis privatis (2)
- principaliter ad utrumque
 - ut dispositio in natura (1)
 - ut operatio egrediens in natura (2)
 - ad sanctificandam naturam (ad sacramenta) (4)

Quodlibet V (41)

Circa creatorem (10)

- ad eius divinitatem
- ad essentiam
 - ad perfectiones (2)
 - ad essentialia actiones
 - de actione interiori (1)
 - de actione transeunte in aliquid extra (2)
- ad relationes (4)
- ad eius assumptam humanitatem (1)

Ad creaturas (31)

- generaliter ad omnes creaturas (2)
- specialiter ad quasdam
 - ad angelum
 - ad eius durationem (1)
 - ad eius cognitionem (2)
 - ad hominem
 - ad habitus
 - circa habitus acquisitos (3)
 - circa habitus infusos
 - communiter quoad omnes (2)
 - de fide (1)
 - de charitate (3)
 - ad actiones / operationes
 - ex parte intellectus (2)
 - ex parte voluntatis
 - de actione voluntatis in communi (1)
 - de actibus voluntariis in speciali
 - de actibus interioribus (de voto) (1)
 - de actibus exterioribus
 - ad actus virtutis (2)
 - ad actus peccati (3)
 - ad passiones (2)

- ad sacramenta
 - de dispensatione circa sacramenta (2)
 - circa usum sacramentorum
 - communiter ad sacramentum ordinis et matrimonii (1)
 - specialiter ad sacramentum matrimonii (3)

Quodlibet VI (33)

Ad Deum (7)

- secundum se (1)
- in respectu ad creaturas
 - in respectu ad creaturas simpliciter (2)
 - in respectu ad creaturam assumptam in Christo (2)
 - in respectu ad creaturam possibilem assumi (2)

Ad creaturas (26)

- de creatura animata
 - de homine simpliciter
 - ad eius essentiam
 - ad animam
 - separatam (1)
 - coniunctam
 - ex parte potentiae cognitivae (1)
 - ex parte potentiae volitivae (4)
 - ad corpus (2)
 - ad coniunctum ex utroque
 - ad obligationem (4)
 - ad poenam (2)
 - ad eius possessionem (6)
- ad aliqua determinata genera hominum (ad homines secundum diversos status)
 - in statu praelationis (3)
 - in statu peccati (2)
- de creatura inanimata (de elementis) (1)

Quodlibet VII (30)

Omnes de creaturis

- in comparatione ad Deum
 - ad omnes creaturas generaliter (3)
 - specialiter ad creaturas intellectuales
 - circa omnes creaturas intellectuales (2)
 - circa hominem specialiter (2)

- secundum se
 - de creaturis spiritualibus scil. de angelis (1)
 - de creaturis materialibus
 - communiter ad omnes creaturas materiales
 - ad principium materiale (2)
 - circa numerum (2)
 - specialiter ad hominem
 - ad eius esse
 - ex parte animae intellectivae (3)
 - ex parte corporis (1)
 - ex parte compositi (1)
 - ad eius bene esse
 - ad bene esse hominum singularium
 - ad bene esse hominis singularis secundum se (1)
 - in ordine ad aliud
 - ad praedicationem (3)
 - ad poenitentiae sacramentum (6)
 - ad bene esse communitatum (de perfectione statuum) (3)

Quodlibet VIII (37)

De Deo in comparatione ad creaturas (5)

- ad esse naturae in creaturis (4)
- ad esse gratiae (1)

De creaturis in comparatione ad Deum (2)

- ad esse naturae (1)
- ad esse gratiae (1)

De creaturis secundum se (30)

- in generali (2)
- in speciali
 - de intellectualibus
 - communiter ad naturam angelicam et humanam (2)
 - specialiter ad naturam humanam
 - ex parte animae
 - ad intellectum (3)
 - ad voluntatem (1)
 - ex parte coniuncti ex corpore et anima
 - ad omnes homines
 - ad statum gratiae (4)
 - ad statum culpae (6)

- ad praelatos
 - saeculares (principes) (1)
 - ecclesiasticos
 - ad dispensationem temporalium (1)
 - ad dispensationem spiritualium (4)
- de non intellectualibus sed inanimatis
 - ad creaturae situm (1)
 - ad creaturae numerum (1)
 - ad creaturae virtutem
 - ad virtutem activam corporalis in spirituale (2)
 - ad virtutem passivam corporalis a corporali (2)

Quodlibet IX (32)

De Deo in comparatione ad creaturas (de relatione Dei ad creaturas) (2)

De creaturis secundum se (30)

- universaliter ad omnes creaturas (1)
- ad diversas creaturas particulariter
 - ad creaturas intellectuales communiter
 - ex parte intellectus (1)
 - ex parte voluntatis (2)
 - circa creaturam angelicam tantum (1)
 - circa creaturam humanam tantum
 - ad quasdam personas humanas praerogativas specialiter
 - ad corpus et sanguinem Christi (3)
 - ad matrimonium et votum virginitatis gloriosae virginis (1)
 - ad sepulturam corporis et cordis cuiusdam nobilissimi principis (1)
- ad homines et humanam naturam generaliter
 - ex parte animae (3)
 - ex parte corporis (3)
 - ex parte coniuncti ex corpore et anima
 - indifferenter ad omnes homines (3)
 - specialiter ad quosdam status hominis
 - ad praelatos
 - ecclesiasticos (3)
 - saeculares (1)
 - ad subditos
 - saeculares (1)
 - ecclesiasticos (5)

- ad corpora etiam inanimata (1)

Quodlibet X (17)

Ad sacra (6)

- ad sacramentum poenitentiae (4)
- ad sancta corpora Christi et beatorum (2)

Ad non sacra (11)

- ad omnes creaturas generaliter (3)
- ad homines specialiter
 - ad omnes generaliter
 - ad vires intellectivas et sensitivas (1)
 - ad intellectum (1)
 - ad voluntatem (1)
 - communiter ad intellectum et voluntatem (3)
- ad quaedam genera hominum specialiter
 - ad doctores (1)
 - ad principes (1)

Quodlibet XI (30)

Ad Deum et creaturam communiter (4)

- ad Dei actionem circa creaturam
- ad creaturam productionem (3)
- ad creaturam reductionem in ipsum (1)

Ad creaturam intellectualem specialiter (26)

- communiter ad angelum et hominem
 - ad solam partem cognitivam (1)
 - communiter ad partem cognitivam et appetitivam (4)
- ad angelum
 - communiter ad angelum tam malum quam bonum (3)
 - specialiter ad angelum malum (1)
- ad hominem
 - ad statum separationis animae (1)
 - ad statum coniunctionis
 - ad hominem damnatum (1)
 - ad hominem viatorem
 - communiter tam ad clericum quam ad laicum (1)
 - ad laicum (2)
 - ad clericum
 - religiosum (2)

- communiter ad religiosum et saecularem
 - ad ipsorum bona temporalia (1)
 - ad eorum bona spiritualia
 - ad privilegii papalis interpretationem (1)
 - de administratione plurium sacramentorum communiter (1)
 - ad administrationem sacramenti poenitentiae specialiter (3)
 - ad praedicationis instructionem (2)
 - circa horarum observationem et missarum celebrationem (2)

Quodlibet XII (31)

Communiter ad Deum et ad creaturam intellectualem (6)

- de Deo ut obiectum intellectus creaturae intellectualis (3)
- de Deo ut obiectum voluntatis (1)
- de Deo communiter ut obiectum utriusque (2)

Ad creaturam intellectualem incorporea (3)

- ad eius actionem (1)
- ad mensuram suae actionis (1)
- ad eius passionem (1)

Ad hominem (22)

- ad ea quae sunt homini substantialia (1)
- ad accidentalia homini
 - pro statu damnationis (1)
 - pro statu vitae praesentis
 - ad Christum (1)
 - de homine puro
 - ad infideles (1)
 - ad fideles
 - ad habitum virtutis (1)
 - ad exercitium actus
 - ad actum episcoporum (1)
 - ad actum doctorum (1)
 - ad religiosos (2)
 - ad quascumque personas indifferenter (3)
 - in comparatione
 - in comparando actum ad obiectum (1)
 - in comparando unum actum ad alium (9)

Quodlibet XIII (17)**De Deo in comparatione ad creaturas et e converso (5)**

- ad Dei visionem (1)
- ad Dei dilectionem (1)
- ad Dei potentiam (3)

De creaturis secundum se (12)

- de angelis (2)
- de hominibus
 - ad animam principaliter
 - ad intellectum (1)
 - ad voluntatem (3)
 - communiter ad essentiam animae et ad potentiam (1)
- ad compositum ex anima et corpore
 - ad bonum spirituale (3)
 - ad bonum corporale (2)

Quodlibet XIV (17)**Ad Deum et creaturas (1)****Ad solas creaturas (16)**

- communiter ad omnes creaturas (1)
- ad creaturas determinatas
 - ad substantiam corporalem tantum (1)
- ad substantiam spirituales
 - communiter ad separatam et coniunctam (2)
- ad animam humanam coniunctam
 - ad ipsam animam principaliter (1)
 - ad statum distributionis poenarum et praemiorum in futuro (1)
 - ad statum meriti et demeriti in praesenti
 - de agibilibus (4)
 - de peccatis (3)
 - de poenis (3)

Quodlibet XV (16)**De Deo (1)****De creaturis (15)**

- de creatura humana unita divinitati in Christo (3)
- de creaturis absolutis non unitis divinitati
 - ad relativa (1)
 - ad absoluta

- de accidente (1)
- de substantia
 - generaliter (1)
 - ad diversas substantias intellectuales creatas specialiter
 - ad quamcumque creaturam intellectualem (2)
 - ad hominem
 - beatum (1)
 - viatorem
 - ad opus naturae (1)
 - ad opus moris (5)

GILES OF ROME

Giorgio Pini*

Giles of Rome was the first academic theologian of the mendicant Order of the Hermits of Saint Augustine, or “Austin friars,” which Pope Alexander IV had founded in 1256 by gathering together several pre-existing religious groups. The Austin friars soon joined the older Dominicans and Franciscans in the University of Paris and, to a lesser extent, Oxford. Giles lectured on the *Sentences* in 1269–71 or 1270–72. Between 1286 and 1292 he disputed six *Quodlibeta* at the Faculty of Theology of the University of Paris. All these *Quodlibeta* are extant.¹ Giles also disputed two *Quodlibeta* on non-university occasions, i.e. in General Chapters of the Austin friars. The first of these two disputes—Giles’s first essay in the genre—took place in Padua in 1281; it survives in one manuscript and has been published.² The second was held in Siena in 1295. So far, no written record of this, the last of Giles’s *Quodlibeta*, has been found.³

* I wish to thank Francesco Del Punta, Gianfranco Fioravanti, Concetta Luna and Chris Schabel for suggesting several improvements on a first version of this paper.

¹ On the so-called “Great Union” and the origins of the Order of the Hermits of Saint Augustine, see A. de Meijer and R. Kuiters, “Licet Ecclesiae Catholicae” (edition and commentary), in *Augustiniana. Septimo exacto saeculo a Magna Unione, MCCLVI–MCMLVI*, F. Roth and N. Teeuwen, eds. (New York 1956), pp. 9–34; D. Gutierrez, *The Augustinians in the Middle Ages, 1256–1356* (Villanova, PA, 1984), c. 1. For Giles of Rome’s biography, see F. Del Punta, S. Donati and C. Luna, “Egidio Romano,” in *Dizionario biografico degli Italiani* 42 (Rome 1993), pp. 319–41; C. Trifogli, “Giles of Rome,” in *The Routledge Encyclopedia of Philosophy* IV, E. Craig, ed. (London 1998), p. 74. For the list of questions of Giles’s *Quodlibeta* and a proposal for their dating, see Glorieux I, pp. 140–7, with the corrections contained in Glorieux II, pp. 99–100. For the list of manuscripts and printings of Giles’s *Quodlibeta*, see G. Bruni, *Le opere di Egidio Romano* (Florence 1936), pp. 129–30. In this chapter, I quote Giles’s university *Quodlibeta* from the following edition: *Aegidii Columnae Romani Quodlibeta* (Louvain 1646; reprint, Frankfurt am Main 1966).

² G. Bruni, “Quaestiones I–XX a fratre Aegidio Romano Paduae disputatae in Capitulo Generali O.E.S.A. 1281,” *Analecta Augustiniana* 17 (1939–40), pp. 125–50. The manuscript is Biblioteca del Escorial, h. II.1, ff. 117r–119v.

³ Glorieux I, p. 147; Del Punta, Donati and Luna, “Egidio Romano,” p. 323.

Both from a doctrinal and a historical point of view, Giles's *Quodlibeta* are documents of exceptional importance. As is well known, Giles's university career, begun before 1277, was abruptly interrupted in that year, when Giles was the object of a condemnation specifically issued against him by the bishop of Paris and the masters of theology. Only in 1285 could Giles resume his teaching activities, thanks to the direct intervention of the newly elected pope, Honorius IV.⁴ The Paduan *Quodlibet* of 1281 was disputed after this crisis, during Giles's absence from Paris. It gives us the opportunity to take a fresh look at Giles's reactions to some of the themes of the condemnation that had struck him four years earlier. But Giles's six university *Quodlibeta* are even more interesting. They were disputed after Giles was appointed master of theology in Paris in 1285. That was an intellectually thrilling moment. Henry of Ghent was possibly the most prestigious master of the faculty, and Godfrey of Fontaines was beginning his career. Behind the many debates of those years, two basic themes set the agenda for each master, whether secular or mendicant. First, the value and impact of the 1277 condemnations had to be coldly assessed and the theological landscape consequently redrawn. Second, Thomas Aquinas's theological and philosophical achievement still had to be reckoned with ten years after his death.⁵

Giles's *Quodlibeta* are not only a major testimony to those debates; they are also the main means by which he emerged as one of the leading figures in Paris between the 1280s and '90s. In neatly organized and often short questions, Giles gave his opinion on the most controversial theological themes of the period. In general, Giles seems

⁴ CUP I, no. 522, p. 633; Del Punta, Donati and Luna, "Egidio Romano," p. 321.

⁵ On the impact of the condemnation of 1277 on the philosophical and theological debate, see L. Bianchi, *Il vescovo e i filosofi. La condanna parigina del 1277 e l'evoluzione dell'aristotelismo scolastico* (Bergamo 1990), and the studies gathered in *Nach der Verteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts. Studien und Texte*, J.A. Aertsen, K. Emery, Jr. and A. Speer, eds. (Miscellanea Mediaevalia, 28) (Berlin-New York 2001). On the debate over Thomas Aquinas's theological and philosophical legacy, see P. Glorieux, "Pro et contra Thomam. Un survol de cinquante années," in *Sapientiae procerum amore. Mélanges médiévistes offerts à Dom J.-P. Müller* (Rome 1974), pp. 255–87; L. Hödl, "Neue Nachrichten über die Pariser Verurteilungen der Thomasischen Formlehre," *Scholastik* 39 (1964), pp. 178–96; J.-P. Torrell, *Initiation à saint Thomas d'Aquin. Sa personne et son œuvre* (Fribourg 1993), pp. 433–63; L. Bianchi, *Censure et liberté intellectuelle à l'université de Paris (XIII–XIV^e siècles)* (Paris 1999), pp. 210–12.

to have considered the quodlibetal question a by-product of his disputed questions. He took advantage of quodlibetal sessions to clarify doubts concerning the issues he had already dealt with shortly beforehand in his disputed questions. In his first two university *Quodlibeta*, Giles also took the opportunity to deal with some of the most controversial issues of the 1277 condemnation. Often, Giles saw the *quodlibet* simply as the easiest way to give his answer to currently pressing theological questions. But unlike many of his contemporaries, Giles did not view the *quodlibet* as a chiefly polemical genre. Although critiques of his colleagues are not lacking (above all, of Henry of Ghent), the place for Giles's most articulated and careful refutations is not in his *Quodlibeta*, but in his disputed questions.

In this chapter, I first deal with Giles's non-university *Quodlibeta*, especially the extant one disputed in Padua in 1281. Second, I turn to the dating of Giles's six university *Quodlibeta*. Third, I consider their place among Giles's other works and their importance in Giles's career. Fourth, I make some general remarks regarding their structure and character. Fifth and finally, I give a brief analysis of the main themes developed in each *Quodlibet*.

An Assessment of Giles of Rome's Quodlibeta

Giles's Two Non-University Quodlibeta

Giles's two non-university *Quodlibeta* can be dated with great precision. The first and only extant of the two was disputed in Padua on 15 August 1281, during a General Chapter of the Austin friars.⁶ Although this work was not disputed in a university context, it clearly displays all the features of a quodlibetal disputation.⁷ Giles's second non-university *Quodlibet* was disputed in Siena on 24 May 1295, in the course of another General Chapter of his order. The official record of the Siena Chapter informs us that on that occasion Giles held some "general disputes *de quolibet*."⁸ Giles, who had been prior

⁶ E. Esteban, "Capitula antiqua provinciae Romanae O.N.," *Analecta Augustiniana* 2 (1907–08), p. 245; Del Punta, Donati and Luna, "Egidio Romano," p. 321.

⁷ Bruni, "Quaestiones I–XX," p. 126. Bruni's edition has some obviously faulty readings and should be used with caution.

⁸ *CUP* II, no. 588, p. 64; Esteban, "Capitula Antiqua," p. 368.

general of the Austin friars, had just been elevated to the archbishopric of Bourges by Boniface VIII. He attended the General Chapter of his order in Siena to play the role of magister *non regens* for the last time. We are told that on that occasion Giles's *respondens* was a Peter of Rome, lecturer. In the same Chapter, Angel of Camerino, who had just become master of theology and would shortly become professor at the Augustinians' *studium generale* at the Roman Curia, also disputed some quodlibetal questions.⁹ It is noteworthy that no mention is made of the current Augustinian regent master in Paris, James of Viterbo.¹⁰ Presumably, he could not take part in the General Chapter and his role was played by Giles of Rome.

Giles of Rome's Siena *Quodlibet* has not been preserved, but his Paduan *Quodlibet* of 1281 is extant. It consists of 20 unrelated questions, most of which are quite short and stylistically not as polished as Giles's works usually are. Actually, it is possible that what we have is a revised *reportatio*. This *Quodlibet* is noteworthy for several reasons. For one thing, as we have seen, it was not disputed at a university. Moreover, Giles was not a master at the time, but a mere bachelor of theology, and as a bachelor he had been condemned four years earlier and so prevented from becoming a master. After that censure, Giles had not been rehabilitated yet. Theoretically, that meant that Giles, who had been denied the *licentia docendi*, could not teach either in Paris or elsewhere.¹¹ Accordingly, his position appeared at least suspect. Surprisingly, this did not prevent his superiors from making him responsible for disputing 20 questions on the official occasion of a General Chapter of his order. Nor did Giles seem to be intimidated by that role. This is a clear sign that Giles's authority within his order did not suffer from the crisis of 1277, even though his university career had been stopped. After all, as a bach-

⁹ On Angel of Camerino, see P. Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle* II (Paris 1934), pp. 312–13; “Angelo da Camerino,” in *Dizionario biografico degli Italiani* 3 (Rome 1961), p. 223.

¹⁰ On the Paris regency of James of Viterbo, see E. Ypma, *Jacobi de Viterbio O.E.S.A. disputatio prima de quolibet* (Würzburg 1968), pp. v–vi; J.F. Wippel, “The Dating of James of Viterbo's *Quodlibet* I and Godfrey of Fontaines' *Quodlibet* VIII,” *Augustiniana* 24 (1974), pp. 380–3.

¹¹ See R. Wielockx, *Aegidii Romani Apologia*, in *Aegidii Romani Opera Omnia*, III.1 (Florence 1986), pp. 110–11, 175–7; Del Punta, Donati and Luna, “Egidio Romano,” pp. 320–1. Giles is not the only medieval master who disputed *quodlibeta* outside the university: see Wippel, “Quodlibetal Questions,” pp. 180–1, and elsewhere in this volume.

elior of theology he held at that time the highest university degree among the Austin friars. He must have been the only and obvious choice for a disputation in a Chapter.

Several features of Giles's Paduan *Quodlibet* reflect the particular occasion on which it was disputed. Giles must have faced a non-university audience, not aware of all the subtleties that were fashionable in Paris. Giles must have been the only participant in the Chapter with a university theology degree. He could not count on a similar level of proficiency in his audience. Several of the questions accordingly concern very important but also basic issues in theology and philosophy: whether in man there is an image of God (q. 1), whether divine providence is compatible with human free will (q. 5), and whether heavenly bodies have an influence on free will (q. 7).¹² Other questions reflect an interest in fundamental topics in Aristotelian physics, such as whether the movement of the heavens is natural (q. 8), whether active potency is inside or outside matter (q. 9), and whether potential being is the subject of generation (q. 11).¹³ Other questions raise doubts of a more mixed nature, varying from medicine (whether the brain is the main organ, q. 14) to human geography (whether it is possible for man to live below the equator, q. 6) and anthropology (whether all nature is by itself subject to corruption, q. 10; even though the question is framed in general terms, it mainly concerns the case of man).¹⁴ Other questions reflect more practical interests, which may have appealed to confessors, preachers or ecclesiastical administrators. For example, questions are raised concerning the limits of the human power that the Church can exercise (q. 18, whether the pope or a bishop can kill somebody), usury (q. 19, why usury is a sin) and not believing in God (q. 20, whether incredulity is a vice).¹⁵

¹² Bruni, "Quaestiones I-XX," q. 1, *Utrum imago Dei sit in homine*, pp. 127-8; q. 5, *Utrum divina providentia stet cum libertate arbitrii*, pp. 131-3; q. 7 (Bruni: *pars 2*, q. 2), *Utrum corpora superiora influant in liberum arbitrium*, p. 135.

¹³ Bruni, "Quaestiones I-XX," q. 8 (Bruni: *pars 2*, q. 3), *Utrum motus caeli sit naturalis*, pp. 135-6; q. 9 (Bruni: *pars 3*, q. 1), *Utrum potentia activa sit in materia vel extra*, p. 137; q. 11 (Bruni: *pars 3*, q. 3), *Utrum ens in potentia sit subiectum generationis*, p. 139.

¹⁴ Bruni, "Quaestiones I-XX," q. 14 (Bruni: *pars 4*, q. 1), *Utrum cerebrum sit membrum principale*, p. 143; q. 6 (Bruni: *pars 2*, q. 1), *Utrum sub equinoctiali possibilis sit habitatio*, pp. 134-5; q. 10 (Bruni: *pars 3*, q. 2), *Utrum tota natura deficiat ex tempore in se ipsa*, pp. 137-9.

¹⁵ Bruni, "Quaestiones I-XX," q. 18 (Bruni: *pars 4*, q. 5), *Utrum papa vel episcopus possit interficere*, pp. 147-8; q. 19 (Bruni: *pars 4*, q. 6), *Quaeritur qua ratione usura sit peccatum*, pp. 148-9; q. 20 (Bruni: *pars 4*, q. 7), *Utrum infidelitas sit vitium*, pp. 149-50.

Giles's solutions to these questions are short, clear and very simple. He presupposes no previous knowledge of philosophy or scholastic theology in his audience. He does not hesitate to explain such basic Aristotelian concepts as the connection between matter and generation. So it is not surprising that, whenever it is possible to compare Giles's Paduan answers to successive discussions of the same topics, the Paduan treatment is always less technical. For example, when dealing with usury in q. 19, Giles briefly mentions his usual argument against usury, i.e., those who lend money on interest do not take into account the peculiar nature of money, for which substance and use coincide. But whereas in his much later *Quodlibet* VI, q. 24, he bases all his response on this technical point, in his Paduan *Quodlibet* Giles prefers to stress three other arguments against usury, more simple and connected to a straightforward reading of Christian morality.

A few questions, however, deal with more complex issues. Two tackle technical difficulties concerning the beatific vision. It is first asked whether an intelligible species is needed when seeing God or, instead, no medium is required.¹⁶ Giles answers in some detail that the vision of God does not require any medium. He is aware that his position must be defended against more common ones, according to which God is seen by way of an infused species or by way of a habit of glory. Giles argues that all the alternative theories have a serious defect: they do not account for the perfection of the beatific vision, which is what fully satisfies the cognitive faculty of man. A second question concerning the beatific vision concerns the even more technical point whether the fruition in which the ultimate happiness of man consists is mainly in the intellect or in the will.¹⁷ Giles's treatment of this classic topic in the Paduan *Quodlibet* is particularly noteworthy. He maintains that the ultimate happiness is both in the will and in the intellect because in the fruition of God loving and knowing become one and the same thing, so that it is impossible to say which one is prior to the other. So here Giles already rejects Thomas Aquinas's doctrine that the ultimate happiness is essentially in the act of the intellect, but only because he maintains that the

¹⁶ Bruni, "Quaestiones I-XX," q. 15 (Bruni: *pars* 4, q. 2), *Utrum Deus in gloria videatur per medium vel sine aliquo medio*, pp. 144-5.

¹⁷ Bruni, "Quaestiones I-XX," q. 16 (Bruni: *pars* 4, q. 3), *Utrum fruitio principalis consistat in intellectu vel voluntate*, pp. 146-7.

distinction between intellect and will does not apply in this case.¹⁸ By contrast, when Giles deals with the same topic again in his *Quodlibet* III, he will clearly state that ultimate happiness consists in the act of the will, not of the intellect.¹⁹

Sometimes the impact of Giles's condemnation in 1277 is clearly discernible. One question deals with the famous issue of the eternity of the world, another with the controversial and delicate topic of the plurality of forms.²⁰ In 1277 Giles had been censured both for defending the possibility of an eternally created world and for holding the unicity of the substantial form in the material composite.²¹ In both cases he now takes a very cautious attitude. Concerning the eternity of the world, he frankly concedes that for something to be created and to be eternal implies a contradiction, contrary to what he had maintained in *I Sentences*.²² Concerning the unicity of the substantial form, which Giles had staunchly defended in his treatise *Contra gradus et pluralitatem formarum* in the end of 1277 and the beginning of 1278, he now confines himself to dealing with the question whether the forms of the elements remain in the thing resulting from their mixture, but he studiously avoids giving his opinion as far as more complex composites are concerned. So on both accounts Giles took his condemnation seriously. When an issue for which he had been censured came to the fore, he either changed his mind (concerning the eternity of the world) or avoided the controversial point (concerning the plurality of substantial forms).

¹⁸ Thomas Aquinas, *Summa theologiae*, Ia-IIae, q. 3, a. 4.

¹⁹ *Quodl* III, q. 18. See below, n. 133.

²⁰ Bruni, "Quaestiones I-XX," q. 2, *Utrum Deus potuerit facere creaturam ab aeterno*, pp. 128-9; q. 12 (Bruni: *pars* 3, q. 4), *Utrum in mixto sit una forma substantialis vel plures*, pp. 139-42.

²¹ Wielockx, *Aegidii Romani Apologia*, art. 30, 31 and 50, pp. 55, 59, 139-42 (on the eternity of the world); art. 48, pp. 59, 169-70 (on the plurality of substantial forms). On the eternity of the world in general, see L. Bianchi, *L'errore di Aristotele. La polemica contro l'eternità del mondo nel XIII secolo* (Florence 1984); R.C. Dales, *Medieval Discussions on the Eternity of the World* (Leiden 1990). On the debate on the plurality of substantial forms, see R. Zavalloni, *Richard de Mediavilla et la controverse sur la pluralité des formes* (Louvain 1951), and more recently A. Boureau, *Théologie, science et censure au XIII^e siècle. Le cas de Jean Peckham* (Paris 1999). On Henry of Ghent's critique of Giles of Rome on this issue, see R. Wielockx, "Une réplique au *Contra gradus* de Gilles de Rome," *RTAM* 54 (1987), pp. 261-7.

²² See G. Pini, "Being and Creation in Giles of Rome," in *Nach der Verurteilung von 1277*, Aertsens, Emery, and Speer, eds., pp. 401-2.

The Dating of Giles's Six University Quodlibeta

Giles resumed his university career in 1285. After being examined a second time, he was promoted to master of theology, probably at the beginning of the academic year 1285/86.²³ The main result of his teaching activity—together with several disputed questions covering the topics of the second book of Peter Lombard's *Sentences* (creation and angelology)—consists of six quodlibetal sessions. According to Mandonnet's and Glorieux's commonly accepted view, Giles's teaching activity lasted for six years, from 1285/86 to 1290/91, for he is usually thought to have stopped teaching at the latest after his election as prior general of the Austin friars, on 6 January 1291. Since he is also reported to have already been in Italy in September 1291, it has been inferred that 1290/91 was his last year of teaching. So this leaves us with a nice situation, with one *Quodlibet* for each year of Giles's activity.²⁴

This hypothesis deserves careful scrutiny. As regards *Quodlibeta* I–III, some facts actually confirm it. As Glorieux had already observed, *Quodlibet* II can be dated with precision to the Lent session of 1287, thanks to two documents concerning the dispute over the mendicants' privileges. Particularly important is the first of these two documents, namely a letter attributed to Godfrey of Fontaines. After relating the events at the University of Paris in December 1286, the author of the letter writes that “afterwards it was disputed on this matter [i.e., whether somebody, after confessing his sins to a friar, should repeat the confession to his parish priest] by Giles of the Order of Augustine, who is now reputed to be the best in town on all regards.”²⁵ And Giles's determination favored the seculars against the friars. Now, in his *Quodlibet* II, Giles was actually asked whether it is allowed to confess the same sins several times. He adopted a

²³ E. Esteban, “De tempore quo Aegidius Romanus promotus fuit ad S. Theologiae Magisterium,” *Analecta Augustiniana* 2 (1907), pp. 278–81; Wielockx, *Aegidii Romani Apologia*, pp. 110–11.

²⁴ P. Mandonnet, “La carrière scolaire de Gilles de Rome,” *Revue des sciences philosophiques et théologiques* 4 (1910), pp. 480–99, esp. pp. 492–4; Glorieux I, pp. 140–1; Del Punta, Donati and Luna, “Egidio Romano,” p. 321.

²⁵ *CUP* II, no. 539, p. 10: “Super his postea disputatum fuerat a magistro Egidio de Ordine Augustini, qui modo melior de tota villa in omnibus reputatur, et determinatum fuit ab eodem, quod episcopi essent in parte longius saniori. Quarum determinationum copiam propter novitatem habere ad praesens non potui. Sed tamen si habere potuero, mittere non tardabo. Et ecce privilegia fratrum.”

remarkably moderate opinion compared to what the Dominicans and Franciscans maintained at the time. He answered that it is always possible and sometimes even advisable to confess the same sins several times, for each time a different effect is obtained.²⁶ In this way, Giles argued that the fundamental argument on which the mendicants grounded their position (i.e., that it was impossible to confess the same sins several times) was invalid. So Giles's sympathetic attitude towards the seculars nicely fits Godfrey's report, which can thus be taken as referring to Giles's *Quodlibet* II. Consequently, it can be concluded that Giles disputed his *Quodlibet* II after December 1286.²⁷ It is also clear that the author of the letter is writing just a few months from the December 1286 events and shortly after Giles disputed *Quodlibet* II, for he says that he did not manage yet to get a copy of Giles's determination because it was too recent.²⁸ Consequently, the most likely date for Giles's *Quodlibet* II is the session immediately following Advent 1286, namely Lent 1287.

From the dating of *Quodlibet* II, it follows that *Quodlibet* I, which was disputed the previous year, is to be dated to 1285/86, i.e. Giles's first year of teaching.²⁹ As to *Quodlibet* III, Henry of Ghent criticized it in his *Quodlibet* XII.³⁰ Since Henry disputed his *Quodlibet* XII in

²⁶ *Quodl.* II, q. 28, *Utrum licet iterare poenitentiam pluries confitendo eadem peccata*, pp. 117–20. See below, nn. 122 and 123.

²⁷ This dating is confirmed by a second document, i.e. a letter in which Bishop William of Mâcon lists all the masters who in Advent 1286 disputed on the issue of confession, without mentioning Giles. See *CUP* II, no. 543, p. 13; Glorieux I, p. 140.

²⁸ See above n. 25.

²⁹ Suárez and Nash dated Giles's *Quodl.* I to Easter 1285. See G. Suárez, "El pensamiento de Egidio Romano en torno a la distinción de esencia y existencia," *La Ciencia Tomista* 75 (1948), pp. 80–1; P.W. Nash, "Giles of Rome and the Subject of Theology," *Mediaeval Studies* 18 (1956), p. 68, n. 1. But as Luna has remarked, this cannot be, since Giles started teaching only in the Fall of 1285. Accordingly, *Quodl.* I dates from Christmas 1285 or later. See C. Luna, "Una nuova questione di Egidio Romano 'De subiecto theologiae'," *F&PT* 37 (1990), p. 419, n. 43.

³⁰ See Giles, *Quodl.* III, q. 2, *Utrum Deus sub speciali ratione sit subiectum in Sacra Pagina*, pp. 127–33, which is criticized by Henry of Ghent, *Quodl.* XII, q. 1. See Henry of Ghent, *Quodlibet XII*, ed. J. Decorte (Henrici de Gandavo Opera Omnia, 16) (Leuven 1987), pp. 12–13; see Nash, "Giles of Rome," pp. 72–7; Luna, "Una nuova questione," p. 407, n. 21. See also Giles of Rome, *Quodl.* III, q. 15, *Utrum voluntas possit movere seipsam*, pp. 176–80, which is criticized by Henry of Ghent, *Quodl.* XII, q. 26, ed. Decorte, pp. 150–2. See O. Lottin, *Psychologie et morale aux XII^e et XIII^e siècles* I (Gembloux 1957), pp. 308, 315–17; F.-X. Putallaz, *Insolente liberté. Controverses et condamnations au XIII^e siècle* (Fribourg 1995), p. 237.

the academic year 1288/89, Giles disputed his *Quodlibet* III before that date, in the academic year 1287/88 (or Advent 1288).³¹

So far, Mandonnet's and Glorieux's dating has been confirmed. From 1285/86 to 1287/88 Giles disputed one *quodlibet* each year. Some caution, however, is required as far as Giles's successive *Quodlibeta* are concerned. As I have said, Mandonnet's and Glorieux's dating is based on the hypothesis that Giles ended his teaching career with his election to prior general of the Austin friars in January 1292. Ypma, however, has remarked that this is far from certain. Giles of Rome's successor in the Augustinian chair of theology, James of Viterbo, was not promoted to master until the fall of 1293. So Giles is very likely to have fulfilled the function of master until that date.³² Wielockx observed that, if such a hypothesis were to be confirmed, there would be consequences for the dating of Giles's last *Quodlibeta*.³³ Now, there is evidence that Ypma's hypothesis is correct, for Giles, in his *Quodlibet* VI, criticizes Henry of Ghent's opinion on the Immaculate Conception expressed in *Quodlibet* XV.³⁴ Since Henry disputed *Quodlibet* XV (his last) in the academic year 1291/92,³⁵ it follows that Giles's *Quodlibet* VI was surely held after the academic year 1290/91, when it is usually thought to have been disputed. Since James of Viterbo started teaching in the academic year 1293/94,

³¹ Henry of Ghent's *Quodl.* XII dates from Christmas 1288 according to Gómez Caffarena, or Easter 1289 according to Paulus. See J. Gómez Caffarena, "Cronología de la 'Suma' de Enrique de Gante por relación a sus 'Quodlibetos'," *Gregorianum* 38 (1957), p. 116; J. Paulus, *Henri de Gand. Essai sur les tendances de sa métaphysique* (Paris 1938), p. xv, n. 1. See Macken's table in *Henrici de Gandavo Quodlibet I*, ed. R. Macken (Henrici de Gandavo Opera Omnia, 5) (Leuven 1979), p. xvii, and Porro's chapter above. Hocedez and Lottin, who ignore Paulus's dating of Henry of Ghent's *Quodl.* XII, date Giles's *Quodl.* III to Easter 1288. See E. Hocedez, *Richard de Middleton* (Louvain 1925), p. 479; Lottin, *Psychologie et morale*, pp. 308, 315–17. See also Luna, "Una nuova questione," pp. 418, n. 43, and 426.

³² E. Ypma, *La formation des professeurs chez les Ermites de Saint-Augustin. Un nouvel ordre à ses débuts théologiques* (Paris 1956), pp. 82–4; idem, "L'acquisition du couvent parisien des Sachets par les Augustins," *Augustiniana* 9 (1959), pp. 105–17; idem, "Recherches sur la carrière scolaire et la bibliothèque de Jacques de Viterbe (†1308)," *Augustiniana* 24 (1974), p. 257.

³³ Wielockx, *Aegidii Romani Apologia*, pp. 254–5, n. 65.

³⁴ Giles of Rome, *Quodl.* VI, q. 20, pp. 420–3; Henry of Ghent, *Quodl.* XV, q. 13, in *Quodlibeta magistri Henrici Goethals a Gandavo* (ed. Paris 1518; reprint Louvain 1961), ff. 584r–589r.

³⁵ Henry of Ghent's *Quodl.* XV dates from Christmas 1291 according to Gómez Caffarena or from Easter 1292 according to Paulus. See Gómez Caffarena, "Cronología de la 'Suma'," p. 116; Paulus, *Henri de Gand*, p. xv, n. 1. See Macken's table in *Henrici de Gandavo Quodlibet I*, p. xvii, and Porro's chapter above.

there are three possible dates for Giles's *Quodlibet* VI: Lent 1292, Advent 1292, or Lent 1293 (depending on whether we prefer Gómez Caffarena's or Paulus's dating of Henry's *Quodlibet* XV).³⁶

Whether Giles's *Quodlibet* VI dates from the academic year 1291/92 (Lent session) or 1292/93, it is surely after January 1291, when Giles was elected prior general of the Austin friars. Accordingly, Ypma's hypothesis that Giles continued teaching after his election to prior general is confirmed, for as in the case of the Carmelites (see Schabel in volume II), heading the Augustinian Order did not prevent one's participation in academic disputations. Giles did not stop teaching until James of Viterbo was ready to take up his position in the academic year 1293/94.

From dating Giles's *Quodlibet* VI to 1292 or 1293, it also follows that there are two or three years in which he did not conduct any quodlibetal session. Consequently, we cannot be sure as regards the dating of *Quodlibet* IV and V. They could have been disputed any time from the academic year 1288/89 to the academic year 1290/91 (if Giles's *Quodlibet* VI dates from 1291/92) or even 1291/92 (if Giles's *Quodlibet* VI dates from 1292/93).

The conclusions concerning the dates of Giles's university *Quodlibet* may be summed up as follows:

- Quodlibet* I : academic year 1285/86.
- Quodlibet* II : Lent 1287.
- Quodlibet* III: academic year 1287/88 (or Advent 1288).
- Quodlibet* IV: 1288/89 or 1289/90 or 1290/91.
- Quodlibet* V : 1289/90 or 1290/91 or 1291/92.
- Quodlibet* VI: Lent 1292 or 1292/93.

This proposal differs from Glorieux's only concerning the last three *Quodlibet*. But whereas the dating of *Quodlibet* VI is reasonably precise, it is now difficult to date *Quodlibet* IV and V with much accuracy.

³⁶ For James of Viterbo's dates, see above, n. 10. We should add that Godfrey of Fontaines, in his *Quodl.* VIII, q. 4, disputed in the academic year 1292/93, criticized Henry of Ghent's *Quodl.* XV, q. 13, but did not mention Giles's position on the Immaculate Conception. This could be a hint (admittedly slight) that Godfrey did not know yet of Giles's *Quodl.* VI, and possibly that Godfrey's *Quodl.* VIII and Giles's *Quodl.* VI date from the same session in the academic year 1292/93. See Godfrey of Fontaines, *Quodl.* VIII, q. 4, in *Le huitième Quodlibet de Godefroid de Fontaines*, ed. J. Hoffmans (Les Philosophes Belges, 4) (Louvain 1924), pp. 51–60. On the date of Godfrey's *Quodl.* VIII, see Wippel, "The Dating of James of Viterbo's *Quodlibet* I," pp. 379 and 383–4; idem, *The Metaphysical Thought of Godfrey of Fontaines. A Study in Late Thirteenth-Century Philosophy* (Washington, DC, 1981), pp. xxiv–xxv, xxviii.

It is possible that in the future new elements will emerge to change this situation.

Giles's Quodlibeta in Context

In his *Quodlibeta*, Giles referred several times to the disputed questions that he was carrying out as the other major task of his teaching activities. Since these disputed questions follow the pattern of a commentary on the second book of Peter Lombard's *Sentences*, it is likely that they were intended in preparation for the definitive edition of that work, which Giles had not been able to accomplish before his condemnation. A few remarks in the *Quodlibeta* allow us to assert that Giles was working on that project around 1290–92, for in his *Quodlibet* V he refers to *II Sentences* as a future work that he intends to carry out,³⁷ but in the same work he refers to distinction 1 as already finished.³⁸ The completion of this project, however, would be delayed, for it appears that the commentary on *II Sentences* was accomplished only several years later, when Giles was archbishop of Bourges.³⁹

Thanks to several cross-references, it is possible to reconstruct with some precision the mutual relationship between Giles's quodlibetal and disputed questions:⁴⁰

³⁷ Giles of Rome, *Quodl.* V, q. 16, p. 243a: "Sed de hoc in opere quod intendimus facere, domino concedente, super secundo *Sententiarum*, utrum sit ibi <scil., in angelis> compositio vel non intendimus pertractare." See also *Quodl.* V, q. 22, p. 325: "Sed de his <scil., de gradibus essentialibus in materia> dicemus clarius in secundo."

³⁸ *Quodl.* V, q. 23, p. 334: "Sed in Quaestionibus nostris de primo principio et secundo *Sententiarum* hanc opinionem <scil., opinionem Avicennae quod a Deo plura immediate non procedunt> diffusius improbavimus." The references are to *Quaestiones de primo principio et de esse et essentia* (Venice 1503; reprint Frankfurt am Main 1968), f. 4rb–va, and to *II Sent.*, d. 1. p. 1. q. 3. a. 3 (Venice 1581; reprint Frankfurt am Main 1968), pp. 37–42.

³⁹ Giles finished the revision of *II Sent.* after 1309. See Del Punta, Donati and Luna, "Egidio Romano," p. 332. For a detailed reconstruction, see Suárez, "El pensamiento," 80–1; Nash, "Giles of Rome," p. 77, n. 1, and 89, n. 1. Giles probably commented on Peter Lombard's *Sentences* in the years 1269–71 or 1270–72. A *reportatio* of this commentary has recently been edited. See Giles of Rome, *Reportatio Lecturae super libros I–IV Sententiarum*, ed. C. Luna (Aegidii Romani Opera Omnia, III.2) (Florence 2003). Before 1277 (probably between 1271 and 1273), Giles managed to publish a revised version of *I Sent.* only. See Del Punta, Donati and Luna, "Egidio Romano," p. 330.

⁴⁰ This table is entirely based on the extremely accurate remarks in Del Punta, Donati and Luna, "Egidio Romano," p. 331.

- Quodlibet* I: after the *Quaestiones de resurrectione mortuorum*; before the *Quaestiones de primo principio et de esse et essentia*, qq. 9–11.
- Quodlibet* II: after the *Quaestiones de primo principio et de esse et essentia*, qq. 1–3; before the *Quaestiones de mensura angelorum*.
- Quodlibet* III: after the *Quaestiones de cognitione angelorum*; before the *Quaestiones de mensura angelorum*.
- Quodlibet* IV: after the *Quaestiones de mensura angelorum*.
- Quodlibet* V: after the *Quaestiones de compositione angelorum*.

In the years in which Giles disputed his *Quodlibeta*, the Faculty of Theology at Paris was a place sparkling with debates and innovations. For Giles, they were years of extraordinary achievements. After the crisis of 1277, he now saw himself turning into a personality of rapidly increasing and uncontested authority, both within his order and in the theology faculty. Shortly after the disputation of his *Quodlibet* II, his order officially decided to compel all the Austin friars to follow his teachings, both past and future.⁴¹ Such a decision was obviously modeled after the Dominicans' adoption of Thomas Aquinas's doctrine the previous year and was probably motivated by the need to give the Austin friars a clear intellectual guide in their university curriculum. All the same, it was unprecedented (and would remain unique in the future) in so far as it concerned a living and still active master.⁴² By that time, Giles must have been 44 years old or slightly younger.⁴³ He was already reputed to "enlighten the entire world with his doctrine," as the official statute issued in 1287 reports. Even though the rhetorical value of a such a formula must be taken into account, it is nevertheless a sign of the exceptional authority that Giles had acquired both inside and outside his order in just his second year as a regent master. In the same period, the letter attributed to Godfrey of Fontaines concerning the dispute over the privileges

⁴¹ *CUP* II, no. 542, p. 12: "Quia venerabilis magistri nostri Egidii doctrina mundum universum illustrat, diffinimus et mandamus inviolabiliter observari ut opinioniones, positiones et sententias scriptas et scribendas predicti magistri nostri omnes nostri Ordinis lectores et studentes recipiant eisdem prebentes assensum, et eius doctrine omni qua poterunt sollicitudine, ut et ipsi illuminati alios illuminare possunt, sint seduli defensores." See also E. Esteban, "Antiquiores quae extant definitiones capitulorum generalium ordinis," *Analecta Augustiniana* 2 (1907–08), p. 275. On the significance of this decision, see Bianchi, *Censure et liberté intellectuelle*, pp. 40–1.

⁴² *CUP* II, no. 536, p. 6. See Glorieux, "Pro et contra Thomam," and Torrell, *Initiation à saint Thomas d'Aquin*, pp. 452–3.

⁴³ Giles's birth date is unknown, but he is thought to have been born between 1243 and 1247. See Del Punta, Donati and Luna, "Egidio Romano," p. 319.

of the mendicants attests to Giles's stature in the university in similarly flattering terms. He is said to be considered the best master in all Paris: not a small compliment, at a time when Henry of Ghent was still active and Godfrey himself had been regent master for two years.⁴⁴ It is significant and probably not accidental that this remark was made when referring to a position that Giles expressed in a *Quodlibet*. The public disputations *de quolibet* must have been one of main ways by which Giles made his charisma felt in the whole university.

A few years later, in November 1290, Giles was to receive a further confirmation of his authority. The pope's legate, Benedict Gaetani (the future Pope Boniface VIII) entrusted him and the Franciscan John of Murro with the delicate task of telling the authoritative secular master Henry of Ghent that he had been suspended from his teaching duties because of his intransigent position concerning the dispute over the privileges of the mendicants.⁴⁵ The choice of Giles was probably not unintentional: Henry of Ghent had been the main promoter of Giles's condemnation 13 years earlier.⁴⁶ One year later, Giles's authority was of course increased with his election to prior general of his order.⁴⁷

So these were the years in which Giles disputed his *Quodlibeta*. It would be difficult to overestimate the significance of these events when considering them from a historical point of view. If, on the one hand, Giles used the quodlibetal question as one of the main ways to increase his authority, it is also true, on the other hand, that the official role he came to play was not without consequences for the positions he adopted in the *Quodlibeta* themselves. So, when considering his *Quodlibeta* III–VI, one must take into account the fact that any one of his pronouncements was to become the official position of the entire Augustinian Order. Giles's full awareness of this

⁴⁴ See above, n. 25.

⁴⁵ See H. Anzulewicz, "Zur Kontroverse um das Mendikantenprivileg. Ein ältester Bericht über das Pariser Nationalkonzil von 1290," *AHDLMA* 60 (1993), pp. 289–90. On the whole episode, see also Wielockx, *Aegidii Romani Apologia*, p. 177, n. 262; Bianchi, *Censure et liberté intellectuelle*, pp. 48–9; A. Paravicini Bagliani, *Bonifacio VIII* (Torino 2003), pp. 31–4.

⁴⁶ See Wielockx, *Aegidii Romani Apologia*, pp. 122–3.

⁴⁷ In May 1290, the General Chapter of the Austin friars had entrusted Giles with the task of choosing the bachelors who could read the *Sentences* in Paris. See *CUP* II, no. 566, p. 40.

fact must have played a capital role in his defending a certain position and refuting another.

Giles's university *Quodlibeta* also enjoyed some success after their disputation, as a revised and published work. Even though the study of the manuscript tradition is still to be done, we can refer to Bruni, who lists 27 manuscripts, including the ones that do not preserve all the questions. All these manuscripts date from the thirteenth and fourteenth centuries.⁴⁸ Among them is the particularly remarkable MS Paris, BNF, lat. 15350, which belonged to Godfrey of Fontaines. It contains *Quodlibeta* II and III and an interesting abbreviation of all the questions (except one) of the six *Quodlibeta*, sorted out according to 33 thematic issues.⁴⁹ This testifies to Godfrey's careful study of Giles's *Quodlibeta*, and more generally to their exceptional importance among Giles's works. Giles's *Quodlibeta* had a university circulation, as is testified by the taxation record of exemplars belonging to Andrew of Sennes (25 February 1304), which refers to an exemplar of Giles's *Quodlibeta* consisting of 37 pecias.⁵⁰

Structure and Character of Giles's Quodlibeta

Like most of his contemporaries, in the published version of his *Quodlibeta* Giles arranged the questions in a systematic order. This order, which usually goes from God to creatures, is an interesting sign of the mental habit of a medieval master, but has nothing to do with the order in which the questions were actually raised in the oral dispute.⁵¹ For this reason, we should not take it too seriously. By choosing such a systematic structure, Giles's intention may have been to eliminate from each *Quodlibet* any sign of the actual climate in which it was disputed and to turn it into a perpetually valid work removed from any historical contingency. From a historical point of view, however, what is most interesting is to try to get an idea of

⁴⁸ See Bruni, *Le opere di Egidio Romano*, pp. 126–7, 129–30.

⁴⁹ See R. Macken, *Bibliotheca manuscripta Henrici de Gandavo* I (Henrici de Gandavo Opera Omnia, 1) (Leuven, 1979), pp. 577–88; C. Luna, *Catalogo dei manoscritti (294–372)* (Aegidii Romani Opera Omnia, I.1/3**) (Florence 1988), pp. 184–6; J.F. Wippel, "Godfrey of Fontaines at the University of Paris in the Last Quarter of the Thirteenth Century," in *Nach der Verurteilung von 1277*, Aertsen, Emery, and Speer, eds., p. 365.

⁵⁰ CUP II, no. 642, p. 109.

⁵¹ See Wippel, "Quodlibetal Questions," pp. 166–71.

how the discussion actually developed and what the intellectual climate that dominated each session was, as difficult as this may now be. Often, a single *Quodlibet* is characterized by a few hot topics, to which most of the questions can be reduced. These cognate questions are now scattered along the entire *Quodlibet* as a consequence of the systematic arrangement Giles chose. But it is likely that they were asked in sequence in the course of the oral dispute. When the unity runs through several questions, the suspicion arises that Giles may have been in a position to influence which questions were raised, probably through his students and *socii*.⁵² We shall consider some examples in the analysis of each *Quodlibet*.

As Boyle remarked, the type of questions asked in a quodlibetal disputation usually reflected the specific interests of the regent master, and Giles of Rome's *Quodlibeta*, which are "quite 'speculative' from start to finish," are a case in point.⁵³ Quite often, some of the questions raised remind one of similar treatments that Giles gave more or less in the same period in his disputed questions. So it is possible that Giles's students took advantage of a quodlibetal session to raise some points that had remained obscure in the disputed questions. Alternatively, people unsympathetic with Giles's views may have seized the opportunity to raise their doubts on these occasions, since he was not able to control the debate as much as in a disputed question. With some of the hot topics of the 1277 condemnation, some people may even have had the malicious intent to embarrass Giles.

Not everything in a *Quodlibet* can be reduced to a unity, however. Some questions stand out because of their topicality, such as the question concerning the possibility of confessing the same sins several times, connected to the dispute over the privileges of the mendicants.⁵⁴ The actual climate of the oral dispute is also present in some questions concerning practical themes, such as the way in which the Beguines earned their living,⁵⁵ or several issues connected to the

⁵² We do know that sometimes the questions were posed by the master's *socii*. See in particular the case of Robert Holcot as signalled in L.E. Boyle, "The *Quodlibets* of St. Thomas and Pastoral Care," *The Thomist* 38 (1974), p. 233, reprint in idem, *Facing History: A Different Thomas Aquinas* (Louvain-la-Neuve 2000), p. 14.

⁵³ Boyle, "The *Quodlibets* of St. Thomas," p. 240, reprint in idem, *Facing History*, p. 21. See also Wippel, "Quodlibetal Questions," p. 166.

⁵⁴ *Quodl.* II, q. 28, pp. 117–20. See below, n. 122.

⁵⁵ *Quodl.* V, q. 24, *Utrum liceat emere redditum ad vitam*. See below, nn. 177 and 178.

life of friars, such as whether it is licit to accept alms from people who lend money on interest,⁵⁶ or whether it is possible to leave the religious life without the superior's permission in order to help one's own parents,⁵⁷ or whether breaking the vow of silence is a mortal sin.⁵⁸ These were probably questions that confronted confessors and religious administrators in their daily activities.

Only rarely did Giles have to respond to questions that may have sounded unusual in a university hall. For example, he had to determine whether the same man can be simultaneously in two different places, like St Ambrose who is reported to have been at the same time celebrating Mass in Milan and attending St Martin's funeral in Tours.⁵⁹ Of a similar vein are the questions whether Christ in Heaven is sitting or standing,⁶⁰ whether Merlin the Magician can know future events,⁶¹ whether it is possible to make true gold, and, if it is, whether one is allowed to spend it.⁶² These are only a few among the many

⁵⁶ *Quodl.* II, q. 26, *Utrum liceat recipere elemosynam ab eo qui nihil habet nisi de usuris*, pp. 113–15. Giles's solution is remarkably worldly.

⁵⁷ *Quodl.* II, q. 25, *Utrum religiosus professus debeat absque licentia praelati sui exire claustrum et subvenire parentibus suis, si videat eos in necessitate*, pp. 112–13.

⁵⁸ *Quodl.* VI, q. 21, *Utrum religiosus frangens silentium, cum agat contra constitutiones, peccet mortaliter*, pp. 424–6. In 1278 or 1279, Henry of Ghent had approached the same issue in his *Quodl.* III, q. 21. See Henry of Ghent, *Quodl.* III, q. 21, in *Quodlibeta magistri Henrici Goethals a Gandavo*, f. 81r–v.

⁵⁹ *Quodl.* I, q. 1, *Utrum divina virtute unum et idem simul possit esse in duobus locis*, pp. 2–4; and again *Quodl.* II, q. 17, *Utrum beatus Ambrosius interfuerit exequiis beati Martini*, pp. 93–5. The anonymous inquirer was probably not satisfied with Giles's first answer and posed his doubt again in the successive session.

⁶⁰ *Quodl.* I, q. 5, *Utrum Christus in coelo empyreo sit sub ratione stantis vel sedentis*, pp. 12–13.

⁶¹ *Quodl.* I, q. 10, *Utrum angeli cognoscant futura contingentia*, pp. 21–3. Giles reformulates this question in general terms, i.e. whether angels know contingent future events, but he recollects that the question was posed specifically concerning the knowledge that demons gave to Merlin the Magician. See *ibid.*, p. 21b: "Et inducebatur haec quaestio propter angelos malos et propter Merlinum. Dicitur enim de Merlino quod ille natus fuerit per auxilium daemonis, ut per artem succuborum et incuborum, et quia ille Merlinus dixit multa contingentia futura quae a multis creditur diabolus eum docuisse, et quia non potuit eum docere nisi ea quae sciret, erat quaestio utrum angelus malus vel diabolus cognoscat futura contingentia."

⁶² *Quodl.* III, q. 8, *Utrum homo possit facere verum aurum, et, dato quod faceret, utrum liceret expendere tale aurum*, pp. 147–9. On this question, see W. Newman, "Technology and Alchemical Debate in the Late Middle Ages," *Isis* 80 (1989), 437–9; *idem*, *The "Summa perfectionis" of Pseudo-Geber. Edition with Commentary and English Translation* (Leiden 1991), pp. 32–5. More generally, on the debate on alchemy see C. Crisciani, "La quaestio de alchimia fra Duecento e Trecento," *Medioevo* 2 (1976), pp. 119–68; C. Crisciani and M. Pereira, *L'arte del sole e della luna. Alchimia e filosofia nel Medioevo* (Spoleto 1996), pp. 23–53. I thank Prof. Chiara Crisciani for kindly bringing to my knowledge this debate and the relevant bibliography.

questions Giles deals with. His attitude in solving them is typical of an accomplished professor impatient with non-academic naïvety. Sometimes not without irony, he takes advantage of their eccentricity to clarify some subtle theological and philosophical points. Other times, he quickly dismisses them.

Giles paid great attention to the specific terms of the question posed to him, in order to make clear that he was giving an answer to what had been asked and not a general treatment of the issue.⁶³ But his attention to the exact manner in which a question was posed did not prevent him from interpreting the intent of those who posed it, when the question was raised in a confused or general way and a preliminary clarification was in order.⁶⁴ Sometimes Giles remarked that, although only one question was raised, it suggested another at the same time.⁶⁵ Other times, he carefully distinguished between what a question apparently asks (*quod quaestio proponit*) and the actual problem it raises (*quod quaestio quaerit*).⁶⁶ Giles was also quick to spot the hidden reason behind a question.⁶⁷

⁶³ *Quodl.* I, q. 20, p. 43a: “Cum ergo quaeritur utrum homines resurgent incorruptibiles sicut angeli, quia haec fuit quaestio proposita, patet quod non.”

⁶⁴ *Quodl.* III, q. 4, *Utrum in creatione rerum intelligere praecedat velle vel e converso*, p. 137a: “Respondeo dicendum quod non possit esse haec quaestio de scientia Dei, quae est pure speculativa et quae non potest esse practica, cuiusmodi est scientia quam habet Deus de creaturis”; *Quodl.* III, q. 6, *Quid sit maioris meriti, obedire soli Deo an obedire homini propter Deum*, p. 143a: “Respondeo dicendum quod in hac quaestione primo dabimus intellectum quaesiti, secundo solvemus id quod quaeritur. Non enim potest esse intellectus quaesiti utrum servire soli Deo sit maioris meriti quam servire homini propter Deum . . .”

⁶⁵ *Quodl.* II, q. 11, *Utrum intellectus agens remaneat in anima separata*, p. 106a: “Respondeo dicendum quod ista quaestio aliud quaerit (*ed.*: quaerat) et aliud implicat (*ed.*: implicet). Quaerit enim utrum in anima separata remaneat intellectus agens. Et implicat quem actum habiturus esset huiusmodi intellectus in anima separata, cum non sint ibi phantasmata?”

⁶⁶ *Quodl.* IV, q. 1, *Utrum Deus posset facere duo accidentia eiusdem speciei existere simul in eodem subiecto*, p. 195b: “Respondeo dicendum quod haec quaestio aliud quaerit (*ed.*: quaerat) et aliud proponit (*ed.*: proponat). Quaerit enim quomodo se habeant dimensiones determinatae et indeterminatae. Proponit autem utrum duo accidentia eiusdem speciei per aliquod agens in eodem subiecto simul esse possint.” See also *Quodl.* IV, q. 9, p. 222a, and *Quodl.* IV, q. 13, *Utrum in re augmentata sit signare id per quod fit augmentum et partem augmentatam*, p. 233b: “Secundo ostendemus quomodo sit ibi dare minus minimo et quomodo non, quia hoc videbatur quaestio quaerere, licet aliud proponeret.”

⁶⁷ See notably *Quodl.* I, q. 14, *Utrum corpus hominis perfecte organizatum et summe dispositum ad animam rationalem, ante infusionem animae rationalis sit in aliqua specie animalis*, p. 29a: “Ideo dicere possumus quod haec quaestio videbatur (*ed.*: videatur) introducta propter pluralitatem formarum.”

Stating the exact terms of the question, however, was just a preliminary task for the master who presided over a quodlibetal session. In his *Quodlibet* VI, Giles sets the agenda for those who want to give a successful solution to a question: not only must they give a satisfying answer to the issue and solve the arguments raised, but they must also dissipate all remaining doubts by giving a solution to the arguments that could be raised, even though they actually were not.⁶⁸

Concerning the arguments stated before the solution to the question, which reflect in simplified form the actual debate that took place in the first phase of the quodlibetal session, it should be noted that on a few occasions they appear in an unusual order. As a rule, the question starts with the arguments against the thesis that will be defended in the solution. These arguments are followed by those in favor of the thesis defended in the solution. Occasionally, however, Giles follows an inverted order: first he states the arguments in favor of the thesis that he defends in his solution, then he lists the arguments against it, to which he will give an answer at the end of the question. This arrangement is quite exceptional in Giles, but it can be easily explained. For it is an established fact that the order in which the arguments appear in the definitive version of a *Quodlibet* does not depend on their being arguments *pro* or *contra* but on the role that the bachelor who formulated them played in the dispute: the first arguments to be stated (whether *pro* or *contra*) were those of the *opponens*, which were followed by the arguments of the bachelor who played the role of *respondens* in the first day of the quodlibetal session. Even though in most cases a master elaborated on the position that the *respondens* had sketched in the first day of the debate, sometimes it could and did happen that the master rejected the solution of his *respondens* and adopted the *opponens*'s view, or that he rejected both the *respondens*'s and the *opponens*'s positions and proposed a different solution to the question.⁶⁹ So, the exceptional arrangement of the arguments in these questions is a sign that on

⁶⁸ *Quodl.* VI, q. 4, p. 362b: "Bene enim solvens debet ad quaestionem satisfacere et debet argumenta facta solvere et debet argumentis faciendis vel fieri possibilibus obviare."

⁶⁹ On the role of the *respondens* and the *opponens*, particularly in the disputed questions but also in quodlibetal sessions, see B.C. Bazàn, "Les questions disputées, principalement dans les facultés de théologie," in Bazàn et al., *Les questions disputées*, pp. 52–8.

these few occasions Giles discarded the thesis defended by his *respondens* and endorsed the thesis of the *opponens*. It may not be accidental that this unusual practice is reflected mainly in his *Quodlibet* I, where the arguments are presented in an inverted order in no fewer than five questions. Since in a quodlibetal question—differently than in a disputed question—it seems to have been customary for a master to give the role of *respondens* to a bachelor attached to himself and belonging to his same religious order (if he belonged to a religious order),⁷⁰ a possible explanation for the curious arrangement of the arguments in some questions of Giles's *Quodlibet* I could be that Giles, on that special occasion, was not able to follow the usual practice. Because he had just been promoted to master, he probably had no time to form any bachelor in his classes and had to count on a *respondens* who had received his training under a different master. So it does not come as a surprise that he happened to disagree on a number of issues with his own *respondens*. Of course, this is only a hypothesis, and as such it remains highly speculative. But if this hypothesis is not completely unlikely, it may be interesting to take note of the issues dealt with in these questions, which Giles probably treated in an original or at least unexpected way: they concerned the relationship between predestination and prayer (in which an important role was given to prayer), two Trinitarian issues (the relationship between the Son's emanation and creation and the celebrated question on the *Filioque*, i.e. whether the Holy Spirit would be distinguished from the Son even if He did not proceed from the Son), the difference between being (or existence) and essence, and finally man's natural tendency to die and its relationship with resurrection.⁷¹

⁷⁰ See *CUP* II, no. 1189, p. 702.

⁷¹ See *Quodl.* I, q. 2, *Utrum praedestinatio possit iuari precibus sanctorum*, pp. 4–6; *Quodl.* 1.3, *Utrum emanatio Filii sit ratio emanationis creaturarum*, pp. 7–9; *Quodl.* I, q. 6, *Utrum, si Spiritus Sanctus non procederet a Filio, distingueretur ab eo*, pp. 13–15; *Quodl.* I, q. 7, *Utrum in omni ente creato differant esse et essentia*, pp. 15–17; *Quodl.* I, q. 20, *Utrum homines resurgent immortales*, pp. 43–4. But the same inversion of arguments is also present in two questions of *Quodl.* V and one of *Quodl.* VI. See *Quodl.* V, q. 23, *Utrum intellectus prius fluat ab essentia animae quam voluntas*, pp. 333–5; *Quodl.* V, q. 24, *Utrum licet emere redditus ad vitam*, pp. 336–9; *Quodl.* VI, q. 2, *Utrum habens charitatem sine speciali Dei influxu possit exire in actum meritorium*, pp. 354–7. I wish to thank Robert Wielockx and John F. Wippel for discussing with me my tentative explanation for the irregular arrangement of arguments in these questions and for helping me understand several features of disputed and quodlibetal questions. I wish to stress the speculative character of my suggestion. I propose it as a hypothesis for the sake of discussion.

In his *Quodlibeta*, Giles's examples are sometimes unusually fresh and historically and culturally interesting. They are traces of the lively tone that must have characterized Giles's oral response. Some examples evoke the intellectual world to which Giles belonged, as when he compares the work of grace to a pen in the hand of a skillful scribe and the work of nature to a pen in the hands of a child, whose hand must be accompanied in its movement by the hand of an adult.⁷² Other times he refers to things and situations that must have been familiar to his audience. So, in order to distinguish between the thing and its aim, he mentions a horse and riding;⁷³ as an example of a voluntary act where some violence is present he elaborates on Aristotle's example of a merchant who throws all his goods into the sea during a storm, but when the weather has calmed regrets what he did;⁷⁴ to illustrate the human situation with regard to divine justice after original sin, he puts together a complex example concerning somebody who cannot swim and needs a boat to cross a river, but if a bridge is built is freed from this need.⁷⁵ In order to stigmatize the nature of usury, he even mentions a proverb according to which some people want at the same time to sell their field and to eat the cabbage they get from it.⁷⁶ Particularly interesting from a historical point of view is Giles's reference to the sons of Averroes, who are said to have been at the court of Emperor Frederick II. This statement, although it is almost surely false, is nonetheless extremely interesting because it is a sign of Giles's attempt to collocate Averroes in recent history—and in that respect it was successful. Giles's interest in Averroes as a recent historical figure seems to be unusual among his contemporaries.⁷⁷

⁷² *Quodl.* VI, q. 2, p. 356a.

⁷³ *Quodl.* III, q. 18, p. 191a.

⁷⁴ *Quodl.* VI, q. 14, p. 401b. See Aristotle, *Nicomachean Ethics* III, c. 1, 1110a9–11.

⁷⁵ *Quodl.* VI, q. 19, p. 416b.

⁷⁶ *Quodl.* V, q. 24, p. 337a.

⁷⁷ *Quodl.* II, q. 20, p. 102a–b. For an attempt to substantiate Giles's remarks on Averroes's sons, which are usually rejected as unsound, see C. Burnett, "The 'Sons of Averroes with the Emperor Frederick' and the Transmission of the Philosophical Works by Ibn Rushd," in *Averroes and the Aristotelian Tradition. Sources, Constitution and Reception of the Philosophy of Ibn Rushd (1126–1198), Proceedings of the Fourth Symposium Averroicum*, G. Endress and J.A. Aertsen, eds. (Leiden-Boston-Köln 1999), pp. 259–99. I thank Matteo Di Giovanni for this bibliographical information.

An Analysis of the Six University Quodlibeta

Scholars usually consider *Quodlibeta* merely as collections of questions at which it is useful to look in order to know an author's opinion on a particular topic. This is surely correct. But it is also possible to consider each *Quodlibet* in a different way, i.e. as a single historical event with its own unity, which is factual if not thematic. Here I intend to consider each one of Giles's six university *Quodlibeta* in this way. In order to reconstruct the cultural climate proper to each quodlibetal session, I will indicate the main themes Giles dealt with in each *Quodlibet*. I intend neither to give an exhaustive study of each *Quodlibet* nor to suggest that Giles's *Quodlibeta* are thematically more unified than they actually are. For each *Quodlibet* remains a contingent unity, whose many issues are unified mainly because they were raised in the same session. But each time some questions seem to dominate over the others and can be chosen to give a picture of what went on in the actual disputations. Of course, my choice of themes is partial and to some degree subjective. But I hope that in this way the dominant character of each *Quodlibet* will emerge, as well as which theological and philosophical topics were more delicate in each session.

Some general trends emerge from an analysis carried out *Quodlibet* by *Quodlibet*. Briefly, there seems to be a change in the cultural climate in which Giles disputed his first and last *Quodlibeta*. The break seems to occur between *Quodlibet* II and *Quodlibet* III. The first two *Quodlibeta* are still dominated by the discussions concerning the consequences of the 1277 crisis. Especially in *Quodlibet* I, several questions concern articles of Giles's own condemnation. Giles manages to defend his positions in a clever way, for he never responds to the provocation implicit in the questions raised. This trend continues in *Quodlibet* II, where Giles explicitly refers to some of the articles condemned in 1277 which seemed to concern some of Thomas Aquinas's teachings that Giles had adopted.⁷⁸ In *Quodlibet* II, Giles partly aban-

⁷⁸ See below, nn. 109, 113 and 114. Nowhere does Giles explicitly refer to the condemnation specifically addressed against him. On the 1277 events, see R. Hissette, "Étienne Tempier et ses condamnations," *RTAM* 47 (1980), pp. 231–70; J.M.M.H. Thijssen, "1277 Revisited: A New Interpretation of the Doctrinal Investigation of Thomas Aquinas and Giles of Rome," *Vivarium* 35 (1997), pp. 72–101; R. Wielockx, "Procédures contre Gilles de Rome et Thomas d'Aquin," *Revue des sciences philosophiques et théologiques* 83 (1999), pp. 293–313.

dons his caution and takes a bold and sometimes even ironic attitude towards some aspects of the 1277 condemnation. In this regard, in *Quodlibet* II he is at the peak of his confidence and command of dialectical tools. From *Quodlibet* III onwards, however, the situation changes. Some of the topics are still reminiscent of 1277, but Giles now seems more interested in building his own theological system than in discussing matters that were fashionable ten years earlier. He is surely aware of the role as official intellectual guide of his order that the General Chapter of the Austin friars had given him in 1287. This role seems to be reflected in the kind of positions he assumes in his *Quodlibeta*. There is no longer room for personal polemics. His aim now is to provide his order with clear answers to the main theological questions of the time. So his attitude becomes a model of equanimity. In his last *Quodlibeta*, his intention becomes manifest: starting from Thomas Aquinas's legacy he wants to build a theology that is no longer Aquinas's. Giles's final achievement was to take Aquinas's Aristotelian metaphysics and to modify it from a perspective increasingly influenced by the dark conception of history of Augustine. Predictably, in the hands of Giles the many elements taken from Aquinas became almost unrecognizable. The result was a remarkably original theological vision, which Giles would develop fully in his late commentary on *II Sentences* but whose elements are already laid down in his last *Quodlibeta*.

Quodlibet I: Coping with 1277

Giles's *Quodlibet* I, disputed in 1285/86, consists of 21 questions. Since it is one of Giles's first official acts after his return to Paris and his promotion to master of theology, it is not surprising that several of the issues discussed are connected with the 1277 condemnation specifically addressed against Giles. Possibly, some of the participants wanted maliciously to test Giles's attitude concerning the topics on which he had been condemned almost ten years earlier. These issues include the unicity of the substantial form,⁷⁹ the famous question whether an error of the intellect necessarily precedes the malice of

⁷⁹ *Quodl.* I, q. 14, *Utrum corpus hominis perfecte organizatum et summe dispositum ad animam rationalem, ante infusionem animae rationalis sit in aliqua specie animalis*, pp. 28–30. See Wielockx, *Aegidii Romani Apologia*, art. 48, pp. 59, 169–70 and 213–14.

the will,⁸⁰ and the question whether those who see God also see all the things that are in God.⁸¹ To these, we may add two questions concerning the Trinity and the trinitarian relations,⁸² which were delicate themes in Giles's theology and for which he had been censured in a number of articles.⁸³

Two questions concern the issue of individuation, both in angels and in material substances.⁸⁴ In Giles's condemnation, there is no article concerning individuation, but the theory of individuation by matter to which he adheres—and which he takes from Thomas Aquinas—was the object of three articles of the condemnation addressed in 1277 against the arts faculty.⁸⁵ Actually, q. 8 only asks whether angels are composed of matter and form, but in his response Giles establishes a link between this question and the issue of individuation. For he notices that the reason for which this question was posed is that a composition of matter and form in angels seems to be required if we want to maintain the theory of individuation by matter but at the same time to avoid conceding that there can be just one angel for each species—a position that had been condemned in 1277.⁸⁶

⁸⁰ *Quodl.* I, q. 19, *Utrum possit esse malitia in voluntate nisi aliquis error sit in ratione*, pp. 39–42. See Wielockx, *Aegidii Romani Apologia*, art. 24 and 51, pp. 54, 59, 97–120 and 200–01.

⁸¹ *Quodl.* I, q. 21, *Utrum videntes Deum videant omnia quae sunt in Deo*, pp. 44–6. See Wielockx, *Aegidii Romani Apologia*, art. 29, pp. 55 and 139.

⁸² *Quodl.* I, q. 3, *Utrum emanatio Filii sit ratio emanationis creaturarum*, pp. 7–9; q. 6, *Utrum, si Spiritus Sanctus non procederet a Filio, distingueretur ab eo*, pp. 13–15. On Giles's trinitarian relations, see C. Luna, "Essenza divina e relazioni trinitarie nella critica di Egidio Romano a Tommaso d'Aquino," *Medioevo* 14 (1988), pp. 3–69.

⁸³ See Wielockx, *Aegidii Romani Apologia*, art. 8, 9, 19, 20, 39a, 39b and 42, pp. 50, 51, 53, 56–58.

⁸⁴ *Quodl.* I, q. 8, *Utrum substantia intellectualis completa sit composita ex materia et forma*, pp. 17–19, and I, q. 9, *Utrum angeli cognoscant singularia*, pp. 19–21.

⁸⁵ D. Piché, *La condamnation parisienne de 1277* (Paris 1999), art. 81 (Mandonnet 43), p. 104: "Quod, quia intelligentie non habent materiam, deus non posset plures eiusdem speciei facere"; art. 96 (Mandonnet 42), p. 108: "Quod deus non potest multiplicare individua sub una specie sine materia"; art. 191 (Mandonnet 110), p. 138: "Quod forme non recipiunt diuisionem, nisi per materiam.—Error, nisi intelligatur de formis eductis de potentia materie." See R. Hissette, *Enquête sur les 219 articles condamnés à Paris le 7 mars 1277* (Louvain-Paris 1977), pp. 82–7, 181–2. Specifically concerning the individuation of angels and the 1277 condemnation, see T. Suarez-Nani, *Les anges et la philosophie. Subjectivité et fonction cosmologique des substances séparées à la fin du XIII^e siècle* (Paris 2002), pp. 75–85.

⁸⁶ *Quodl.* I, q. 8, pp. 17–18: "Respondeo dicendum quod quidam, ut saluarent plures angelos esse eiusdem speciei, dixerunt eos esse compositos ex materia et forma."

Typically, Giles does not seem to be intimidated when dealing with such controversial issues. His attitude is of course cautious, but also subtle. He quickly uncovers the intention of those who posed the question, and then goes straight to the point. Instead of defending the condemned position, he shows that the alternative proposal has no better prospects of success. So, for example, concerning the question whether a completely formed human body belongs to a species of the genus animal even before the infusion of the rational soul, he remarks that the question was posed in order to defend the plurality of substantial forms in man. But then, without giving his opinion concerning the latter issue, he shows that it has nothing to do with the question that was posed, because the link between the two problems is only apparent. Thus, he manages to answer the question without taking a position on the delicate issue of the plurality of forms, and so he successfully avoids the trap into which he was supposed to fall.⁸⁷ Similarly, when dealing with the composition of matter and form in angels, Giles observes that, contrary to what is presumed, positing such a composition is of no avail for solving the problem of the multiplication of angels within the same species. The two issues can be dealt with independently of one another: Giles can deny that angels are composed of matter and form without at the same time taking any position concerning the delicate issue of the multiplication of angels within the same species.⁸⁸

Giles adopts the same clever tactic when dealing with the other controversial question raised in *Quodlibet* I, i.e. whether an error of the intellect necessarily precedes the malice of the will (in other words, whether any time our will chooses something bad there is a corresponding and previous judgment of our intellect that induces the will to make such a wrong choice). This question poses the problem of the relationship between intellect and will in its most fundamental terms. As such, in 1277 it was twice included in Giles's condemnation, but it was also discussed and approved by a committee of theologians of the university.⁸⁹ The point was therefore particularly delicate. Giles, who will dispute on the same issue again in *Quodlibet* III, sets the terms of the controversy clearly. Everybody

⁸⁷ *Quodl.* I, q. 14, p. 29.

⁸⁸ *Quodl.* I, q. 8, p. 18.

⁸⁹ See Wielockx, *Aegidii Romani Apologia*, pp. 77–81. See also above, n. 80. On Giles's answer in *Quodl.* I, see Putallaz, *Insolente liberté*, pp. 212–15.

agrees that there is some kind of relationship between an error of the intellect and a bad choice of the will. Specifically, nobody denies that every time that the will makes a bad choice, the intellect makes a corresponding wrong judgment. Giles strengthens this point by appealing to an interesting series of authorities. Of course, he refers to Aristotle's *Rhetoric* and *Ethics*, but he also mentions the Bible (the book of Daniel), the Pseudo-Dionysius and Ovid's *Heroides*, as well as the personal experience of anyone who has been in love, who knows well how much his capacity for judging correctly is disturbed in such a state. By appealing to Ovid and everyone's personal experience, Giles, after spending ten years far from the university, may be elegantly betraying some impatience at the stuffy atmosphere of some university discussions. What is controversial is not whether there is a link between the error of the intellect and the bad choice of the will, but whether the error of the intellect necessarily precedes the malice of the will. With an interesting notation, Giles remarks that in 1277, when such matters were discussed, theologians conceded the *propositio magistralis*, namely that there is a connection between the malice of the will and the error of the intellect, even though they denied that an error of the intellect is always the cause of the malice of the will.⁹⁰ So Giles maintains that it is enough to explain how the error of the intellect is related to malice of the will in particular cases. He is not willing to take a position concerning the general problem of the relationship between intellect and will. This is a very smart move, which is both cautious and subtle. Again, Giles avoids both defending a position that was controversial and renouncing his old opinion.

By contrast, Giles's attitude concerning the question whether those who see God also see all the things that are in God is different. In *I Sentences*, Giles had maintained that the blessed see all the things present in God by the very act of seeing Him, but this position was condemned afterwards.⁹¹ In *Quodlibet* I, Giles admits that it is not necessary for those who see God to see all the things that are present

⁹⁰ *Quodl.* I, q. 19, p. 40b: "Sed cum hoc Parisius ventilaretur, placuit doctoribus ibidem existentibus quod non oporteret praecedere errorem in intellectu ad hoc ut esset malitia in voluntate. Concedebant tamen quod semper malitiam voluntatis concommitaretur in nobis aliqua caecitas intellectus."

⁹¹ Giles of Rome, *I Sent.*, d. 19, princ. 2, q. 1, a. 1 (Venice 1521; reprint Frankfurt am Main 1968), f. 105O. See above, n. 81.

in Him. He distinguishes between knowing God and knowing God in a complete way. The blessed do know God, but they do not know Him in all the ways in which He can be known. So Giles concludes that the blessed, even though they know God, do not see all that is present in Him, because their knowledge, though perfect in itself, does not exhaust the infinity of God's being.⁹² In this case, Giles adopted a position opposite to what he had maintained in *I Sentences*, almost surely a consequence of the condemnation by which he had been struck in 1277. This shows that in *Quodlibet* I Giles did take his condemnation seriously, even though at times he preferred not to express his opinion on a condemned topic instead of radically changing his mind. But when necessary, he did change his mind.

Another important question asks whether charity can increase infinitely.⁹³ This question actually concerns the difference between our present condition and the condition of the blessed in Heaven. Even though our love for God can increase infinitely during this life, it will never reach the perfection of the love of the blessed. As a consequence, our happiness, which consists of loving God, will never reach the perfect happiness of the blessed in Heaven. With this technical question, Giles actually gives his response to those attempts to give a completely human ethics that had been condemned in 1277.⁹⁴ No matter how happy we can be in this life, we will never be as happy as the blessed, for our aim will be reached only after this life.

Most of these questions had already been dealt with, exactly in the same formulations, by Henry of Ghent in several of his *Quodlibeta*. So Giles's q. 3, *Utrum emanatio Filii est ratio emanationis creaturarum*, corresponds to Henry's *Quodlibet* VI, q. 2;⁹⁵ Giles's q. 6, *Utrum, si Spiritus Sanctus non procederet a Filio, distingueretur ab eo*, corresponds to Henry's *Quodlibet* V, q. 9;⁹⁶ Giles's q. 8, *Utrum substantia intellectualis completa sit*

⁹² *Quodl.* I, q. 21, pp. 45–6. See Nash, "Giles of Rome," pp. 68–9.

⁹³ *Quodl.* I, q. 18, *Utrum charitas possit crescere in infinitum*, pp. 37–9.

⁹⁴ See notably Piché, *La condamnation*, art. 176 (Mandonnet 172), p. 132: "Quod felicitas habetur in ista uita, et non in alia." On the debate on happiness, see Bianchi, *Il vescovo e i filosofi*, pp. 149–95, and Piché, *La condamnation*, pp. 227–83.

⁹⁵ Henry of Ghent, *Quodl.* VI, q. 2, *Utrum personarum productio in Deo praesupponitur causaliter ante productionem creaturarum*, in Henry of Ghent, *Quodlibet VI*, ed. G. Wilson (Henrici de Gandavo Opera Omnia, 10) (Leuven 1987), pp. 32–41.

⁹⁶ Henry of Ghent, *Quodl.* V, q. 9, *Utrum Spiritus Sanctus aliqua relatione distingueretur a Filio si non procederet ab ipso*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 167r–168r.

composita ex materia et forma, corresponds to Henry's *Quodlibet* IV, q. 16;⁹⁷ Giles's q. 14, on the plurality of substantial forms, corresponds to Henry's *Quodlibet* IV, q. 13;⁹⁸ and finally Giles's q. 18, *Utrum charitas possit crescere in infinitum*, corresponds to Henry's *Quodlibet* IV, q. 25, and *Quodlibet* V, q. 22.⁹⁹ To these questions, we should add Giles's q. 7, *Utrum in omni ente creato differant esse et essentia*, which corresponds to Henry's *Quodlibet* I, q. 9.¹⁰⁰ So, a large portion of Giles's first *Quodlibet* turns out to be a reconsideration of the main issues on which Giles and Henry disagreed, as they had emerged in the 1277 condemnation and as they were elaborated by Henry himself in his *Quodlibeta*. Shortly after his return to teaching, Giles probably intended to take over all the points of contrast and to give the answers he could not give when he was kept outside the university. Even though Giles's tone is not openly polemical, the coincidence of so many topics addressed by the two masters is certainly not casual. Possibly, Giles managed to suggest some of the questions raised in order to respond to Henry. Alternatively, it was a supporter of Henry (if not Henry himself) who intended to raise all the points of contrast between the two masters in order to test Giles's attitude towards these controversial topics, for which Giles had been condemned ten years earlier.

But the condemnation of 1277 is not the only topic with which Giles was confronted in his *Quodlibet* I. Two questions concern the nature and the movement of the heavens.¹⁰¹ Two other questions concern some of the issues that Giles had treated some years earlier in his *Theoremata de corpore Christi* (which probably dates from 1278): the localization of the body of Christ and the physics of the

⁹⁷ Henry of Ghent, *Quodl.* IV, q. 16, *Utrum in angelo sit materia ut debeat dici compositus ex materia et forma*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 130r–131v.

⁹⁸ Henry of Ghent, *Quodl.* IV, q. 13, *Utrum in quidditate rerum sensibilium cadant plures formae substantiales re differentes*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 104v–115r.

⁹⁹ Henry of Ghent, *Quodl.* IV, q. 25, *Utrum caritas aliqua viatoris possit adaequari caritati contemplatoris*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 143v–144r; *Quodl.* V, q. 22, *Utrum caritas possit augeri in infinitum*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 198v–201r.

¹⁰⁰ Henry of Ghent, *Quodl.* I, q. 9, *Utrum ipsa essentia creaturae sit suum esse*, in Henry of Ghent, *Quodlibet I*, ed. Macken, pp. 47–62.

¹⁰¹ Giles of Rome, *Quodl.* I, q. 12, *Utrum caelum ex natura sua sit incorruptibile*, pp. 25–6; and *Quodl.* I, q. 13, *Utrum oporteat caelum aliquando ex natura sua quiescere*, pp. 26–8.

Eucharist.¹⁰² These questions were probably raised to test Giles's reaction concerning two difficulties emerging from his own work. Giles here sums up the doctrine of place and substantial change that he had presented at greater length in his *Theoremata*, in order to eliminate all the apparent contradictions between Christian dogma and Aristotelian philosophy.

Two questions concern the knowledge that angels have of singulars and of future events.¹⁰³ Concerning the latter, Giles remarks that it was asked with the case of Merlin the Magician in mind, but he quickly turns to the philosophically interesting point it raises. He maintains that even angels cannot know with certainty contingent future events. They know them either by conjecture or by revelation. This question is interesting for evaluating the reaction of an academic intellectual such as Giles towards a popular but potentially dangerous belief (i.e., that evil angels can make truthful prophecies). Thanks to a clear and rigorous philosophical argument based on the correspondence between being and acting, Giles dismisses the popular belief in favor of the orthodox view according to which only God has real knowledge of future contingent events.

In an important question it is asked whether resurrected men are immortal (*Quodlibet* I, q. 20). Giles answers that men have a natural tendency toward corruption because they are material beings—a position contrary to what upholders of man's natural immortality such as Roger Bacon maintained, and also remarkably different from what Giles himself will state in his later commentary on the second book of the *Sentences*.¹⁰⁴

¹⁰² *Quodl.* I, q. 1, *Utrum divina virtute unum et idem simul possit esse in duobus locis*, pp. 2–4; and *Quodl.* I, q. 4, *Utrum substantia panis convertatur in verum corpus Christi*, pp. 9–11. On these issues, see M. McCord Adams, "Aristotle and the Sacrament of the Altar: A Crisis in Medieval Aristotelianism," in *Aristotle and His Medieval Interpreters. Canadian Journal of Philosophy*, suppl. vol. 7 (Calgary 1992), pp. 195–249.

¹⁰³ *Quodl.* I, q. 9, *Utrum angeli cognoscant singularia*, pp. 19–21; and *Quodl.* I, q. 10, *Utrum angeli cognoscant futura contingentia*, pp. 21–3.

¹⁰⁴ *Quodl.* I, q. 20, pp. 43–4. In this question the order of the opening arguments is inverted: see above, n. 71. Giles had already dealt with man's natural immortality in several places, notably in his *Quaestiones de resurrectione mortuorum et poena damnatorum*, q. 4. See K. Nolan, *The Immortality of the Soul and the Resurrection of the Body According to Giles of Rome. A Historical Study of a 13th Century Theological Problem* (Rome 1967), pp. 124–36 (with edition of Giles's question). See also Bruni, "Quaestiones I–XX," q. 10 (Bruni: *pars* 3, q. 2), pp. 137–9; *Quodl.* II, q. 16, pp. 91–3; *II Sent.*, d. 19, qq. 1–2 (Venice 1582; reprint Frankfurt 1968), pp. 104–32, on which see Nolan, *The Immortality*, pp. 1–57. See also A. Paravicini Bagliani, "Ruggero Bacone,

A last question of *Quodlibet* I deserves mention. It is asked whether in every created thing being or existence (*esse*) is different from essence. This question is connected to the other questions in the *Quodlibet* concerning the composite status of creatures, whether angels or material things. After his scattered remarks in *I Sentences* and the *Theoremata de esse et essentia*, this is probably Giles's first public pronouncement concerning his famous doctrine of the real difference between being (or existence) and essence. Giles will soon develop the polemic against Henry of Ghent's doctrine of the intentional distinction between being and essence in the *Quaestiones de primo principio et de esse et essentia*, qq. 9–13. Already here, however, Giles mentions Henry of Ghent's doctrine and maintains that it would be true only if God were the formal being of creatures, and not just their exemplar and efficient being.¹⁰⁵ So this question marks the new start of hostilities with Henry of Ghent on being (or existence) and essence, ten years after Henry's *Quodlibet* I of 1276.

Quodlibet II: Metaphysics, Souls and Separate Substances

Behind *Quodlibet* I, the 1277 condemnation was still lurking. In his second *Quodlibet*, Giles addresses directly some of the condemned articles. Now he openly expresses his perplexity concerning the way in which the condemnation was issued. After just one year of teaching, his self-assurance in approaching some of the most controversial topics of his day is a sure sign of his authority in the university.

Two dominant themes run through the questions of *Quodlibet* II. The first is the metaphysical structure of created things; the second is the analysis of souls and separate substances. Concerning the first theme, in several questions Giles defends the metaphysical views he

Bonifacio VIII e la teoria della 'prolongatio vitae',” in idem, *Medicina e scienze della natura alla corte dei papi del Duecento* (Spoleto 1991), pp. 327–61. On the whole issue of man's natural immortality, see J. Ziegler, “Medicine and Immortality in Terrestrial Paradise,” in *Religion and Medicine in the Middle Ages*, P. Biller and J. Ziegler, eds. (York 2001), pp. 201–42.

¹⁰⁵ *Quodl.* I, q. 7, *Utrum in ente creato differant esse et essentia*, pp. 15–17. In this question, the order of the opening arguments is inverted: see above, n. 71. On the controversy on being (or existence) and essence between Giles and Henry of Ghent, see E. Hocedez, “Gilles de Rome et Henri de Gand sur la distinction réelle (1276–1287),” *Gregorianum* 8 (1927), pp. 358–84; J. Paulus, “Les disputes d'Henri de Gand et de Gilles de Rome sur la distinction de l'essence et de l'existence,” *AHDLM* 13 (1940–42), pp. 323–58.

had developed some years earlier in his *Theoremata de esse et essentia* and again in his *Quaestiones de primo principio et de esse et essentia*, which he disputed more or less at the same time as his *Quodlibet* II. These metaphysical views consisted in a systematic and powerful reworking of material coming from Thomas Aquinas's writings. Giles's main metaphysical principle, on which he grounds his entire system, is that God gives being to all creatures uniformly and that creatures participate in this being in a finite way. According to Giles, this implies that the being of each creature is received in something else really distinct from the being itself. This is the gist of Giles's doctrine of the real distinction between being (or existence) and essence in created things, where being is the received and participated element and essence is the receiving one.¹⁰⁶ In *Quodlibet* II Giles does not give a detailed treatment of this metaphysical view, but he often refers to it when dealing with several theological difficulties that seem to follow from it. It is likely that these difficulties were raised in order to put to the test the metaphysical views that Giles had just maintained in his disputed questions.

These metaphysical questions include q. 1, "Whether existence is of the same species in all things"; q. 2, "Whether Christ's humanity can exist by itself without any added existence"; q. 5, concerning the species and differentiae of the category of relation; and q. 6, "Whether there is any essence that is indifferent to being and non-being," which is a critique of Henry of Ghent's *Quodlibet* III, q. 9.¹⁰⁷ In these questions, Giles defends his idea that being, by itself

¹⁰⁶ See J.F. Wippel, "The Relationship between Essence and Existence in Late Thirteenth-Century Thought: Giles of Rome, Henry of Ghent, Godfrey of Fontaines, and James of Viterbo," in *Ancient and Medieval Philosophies of Existence*, P. Morewedge, ed. (New York 1982), pp. 131–64; G. Pini, "La dottrina della creazione e la ricezione delle opere di Tommaso d'Aquino nelle *Quaestiones de esse et essentia* (qq. 1–7) di Egidio Romano," *DSTFM* 3 (1992), pp. 289–92; Pini, "Being and Creation," pp. 403–9.

¹⁰⁷ *Quodl.* II, q. 1, *Utrum esse in omnibus rebus sit eiusdem speciei*, pp. 48–50; *Quodl.* II, q. 2, *Utrum humanitas Christi posset existere per se absque additione alicuius novi esse*, pp. 50–3; *Quodl.* II, q. 5, *Utrum relatio habeat proprias species et proprias differentias*, pp. 59–61; *Quodl.* II, q. 6, *Utrum sit aliqua essentia quae se habeat per indifferentiam ad esse et ad non esse*, pp. 61–4. See Henry of Ghent, *Quodl.* III, q. 9, *Utrum sit ponere aliquam essentiam per indifferentiam se habentem ad esse et ad non esse*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 60v–62r. On what is probably a first redaction of Giles's *Quodl.* II, q. 6, discovered and edited by Concetta Luna, see C. Luna, "Nouveaux textes d'Henri de Gand, de Gilles de Rome et de Godefroid de Fontaines. Les questions du manuscrit Bologne, Collegio di Spagna, 133. Contribution à l'étude des questions disputées," *AHDLMA* 65 (1998), pp. 186–90, 258–9.

undifferentiated, is differentiated by the receiving principle, i.e. the essence of created things. At the same time, he shows that some paradoxical consequences that seem to follow from this position (for example, that all things would have the same species of being) do not actually follow, because the general idea has to be nuanced in some important ways.

The basic principles of Giles's metaphysics are further investigated in several questions concerning matter and form.¹⁰⁸ The first of the two questions in which Giles explicitly quotes the 1277 condemnation is connected to this group of questions dealing with metaphysical themes. Giles is asked his opinion about a topic that had already been evoked in *Quodlibet* I but on which he had avoided giving an answer, i.e. whether God can create several angels within the same species.¹⁰⁹ This question is also connected to the other major theme dealt with in *Quodlibet* II, i.e. separated substances (angels and demons). As everybody knew, Giles adopted Thomas Aquinas's theory of individuation by matter, which in the light of his own metaphysical views he maintained was the only possible theory to explain how two things belonging to the same species differ from each other. This position, however, had been condemned in 1277. But if the intention of the one who raised this question was to embarrass Giles, his hopes were soon frustrated. Whereas in *Quodlibet* I Giles's strategy had been to avoid dealing directly with 1277 condemnation, here he starts his response by quoting article 81, according to which it is an error to say that God cannot create several angels within the same species because they do not have matter.¹¹⁰ Giles bravely goes on to say that those articles should have been issued after more careful reflection (*maturiori consilio*) than they actually were. So now it is to be hoped that at least they will be given a fairer consideration.¹¹¹ Just ten years

¹⁰⁸ *Quodl.* II, q. 12, *Utrum materia sit potentia activa*, pp. 79–83, against those who maintain the theory of *inchoatio formarum* in matter; *Quodl.* II, q. 13, *Utrum materia possit esse sine forma*, pp. 83–6; *Quodl.* II, q. 14, *Utrum et quomodo aliqua forma accidentaliter intendatur vel remittatur*, pp. 86–90, on the intention and remission of forms and their relationship with the composition of being and essence.

¹⁰⁹ *Quodl.* II, q. 7, *Utrum Deus possit facere plures angelos in eadem specie*, pp. 64–9.

¹¹⁰ See above, n. 85.

¹¹¹ *Quodl.* II, q. 7, p. 65a: "Respondeo dicendum quod de hoc sit articulus parisiensis in quo dicitur quod error sit dicere quod, quia intelligentiae non habent materiam, Deus non possit plures eiusdem speciei facere. Optandum vero foret quod maturiori consilio tales articuli fuissent ordinati, et adhuc sperandum quod forte de iis, in postremum, sit habendum consilium sanius." See Piché, *La condamnation*, art.

after the events of 1277, Giles's statements sound remarkably bold and frank, especially if we take into account that he was deeply involved in those events. But while wishing for a revision of the condemned articles, Giles takes the condemnation as a legal document that must be obeyed, even though it can be interpreted. So he proposes his own interpretation: article 81 should not be viewed as referring to the current order of things, but to how things could have been if God had decided to act differently. It is true that now, as things are, there can be only one angel in a species. But this does not mean that God could not have organized the world in a way in which there could be more than one angel in a species. By this distinction, Giles can hold his metaphysical view (i.e., that matter individuates, and so that there is just one immaterial thing in each species), because it describes the way in which things actually are, even though he admits that things could have been organized differently. Behind Giles's response, there is the distinction between God's absolute and ordained power, even though Giles does not use these terms here. He limits the relevance of the 1277 condemnation to the way in which things could have been, i.e. to God's absolute power.¹¹²

In *Quodlibet* II, Giles explicitly refers to the 1277 condemnation another time, in the question whether human souls are all equal concerning their natural gifts.¹¹³ This was another very hot topic. As

81 (Mandonnet 43), p. 104: "Quod, quia intelligentie non habent materiam, deus non posset plures eiusdem speciei facere." Shortly afterwards—at Christmas 1287 or Easter 1288—Henry of Ghent attacks Giles's *Quodl.* II, q. 7, in his *Quodl.* XI, q. 1, where he maintains that art. 81 was condemned "*rationabiliter*," in clear contrast with Giles's scornful judgment of the 1277 condemnation. See Henry of Ghent, *Quodl.* XI, q. 1, *Utrum Deus possit facere sub una specie specialissima angeli aliquem alium angelum aequalem in natura et essentia speciei angelo iam facto sub illa*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, f. 418vQ-T. See Suarez-Nani, *Les anges et la philosophie*, p. 82, n. 4. Henry's critique may have had an effect on Giles's apparent dissatisfaction with his own attempt to reconcile the 1277 condemnation and his own theory of individuation. Some years afterwards, Godfrey of Fontaines adopts an attitude concerning 1277 similar to the one Giles had taken in *Quodl.* II, q. 7, and expresses a similar wish for a revision of the condemned articles. See Bianchi, *Il vescovo e i filosofi*, pp. 33–5; Wippel, "Godfrey of Fontaines at the University of Paris," pp. 386–9.

¹¹² On the distinction between absolute and ordained power, often associated with the 1277 condemnation, see E. Randi, *Il sovrano e l'orologio. Due immagini di Dio nel dibattito sulla "potentia absoluta" fra XIII e XIV secolo* (Florence 1987); W.J. Courtenay, *Capacity and Volition. A History of the Distinction of Absolute and Ordained Power* (Bergamo 1990), esp. pp. 95–6; Bianchi, *Il vescovo e i filosofi*, pp. 63–105.

¹¹³ *Quodl.* II, q. 18, *Utrum animae humanae sint aequales in naturalibus*, pp. 95–7.

Giles notes, there are two articles of the 1277 condemnation specifically against the claim that, by themselves, human souls are equal and that one is better than another only because of the matter with which they are associated.¹¹⁴ Again, the condemned position was the one Thomas Aquinas held,¹¹⁵ and again Giles, who adopted Aquinas's doctrine on this point, has to cope with the 1277 condemnation. Similar to what he had done with the question of the multiplication of angels within the same species, Giles proposes an interpretation of the condemned articles. What the condemnation intends to stigmatize is an incorrect and strict interpretation of the statement that one soul is nobler than another only because the body of which it is the form is nobler. According to Giles, the problem disappears if we admit that not only the body but also the soul itself is nobler, since the soul, when it is associated with a nobler body, acquires certain individual qualities that make it nobler *qua* soul and not only because it is associated with a body.

This last question deals with the issue of immaterial substances. After the questions concerning metaphysical themes, this is the second main theme that Giles deals with in *Quodlibet* II. Some questions concern separate substances, how we know them and how they perceive.¹¹⁶ Other questions concern the human soul, both in itself and in its relationship with the body. Specifically, Giles is asked to determine what Aristotle's opinion concerning the unicity of the possible intellect is¹¹⁷ as well as to explain how and to what extent the soul knows itself and other things, and the relationship between body and soul.¹¹⁸ The topics addressed in these questions are closely connected to the *Quaestiones de cognitione angelorum*, which Giles was disputing in the same period. Several of these questions are also reminiscent of articles condemned in 1277, such as q. 9, concerning the way in which demons suffer from fire in Hell, which pro-

¹¹⁴ Piché, *La condamnation*, art. 124 (Mandonnet 147), p. 124, and art. 187 (Mandonnet 146), p. 136.

¹¹⁵ Hissette, *Enquête*, pp. 225–8.

¹¹⁶ *Quodl.* II, q. 8, *Utrum daemones per suas actiones et effectus possint nobis naturaliter innotescere*, pp. 69–71; *Quodl.* II, q. 9, *Utrum daemones possint pati ab igne inferni*, pp. 71–4.

¹¹⁷ *Quodl.* II, q. 20, *Utrum fuerit de intentione Philosophi quod intellectus possibilis numeretur numeratione corporum*, pp. 100–3.

¹¹⁸ *Quodl.* II, q. 21, pp. 103–5; *Quodl.* II, q. 22, pp. 105–7; *Quodl.* II, q. 23, pp. 108–10.

vides Giles with a good opportunity to develop his intentionalist doctrine of perception;¹¹⁹ or q. 20, where Giles defends Aristotle against the charge of holding that there is just one possible intellect for all men.¹²⁰

A third and more heterogeneous group of questions concerns practical issues, often connected with the life of the mendicants.¹²¹ Standing out in this group is the question concerning the controversy among seculars and mendicants, i.e. whether it is licit to confess the same sins several times.¹²² Seculars maintained that every sin that had been confessed to a friar had to be confessed again to the parish priest. Mendicants responded that this was not only unnecessary but impossible, because it was not allowed to confess the same sin several times.¹²³ As I have said, Giles responds to this question only a few months after the controversy had reached its peak. His attitude is remarkably moderate. Even though Giles is a mendicant, he does not embrace the position of the Dominicans and Franciscans. Without even mentioning the specific case of mendicants, he prefers to give

¹¹⁹ *Quodl.* II, q. 8, pp. 71–4. See F.-X. Putallaz, “L’âme et le feu: Notes franciscaines sur le feu de l’enfer après 1277,” in *Nach der Verurteilung von 1277*, Aertsen, Emery, and Speer, eds., pp. 889–901. Giles had dealt with the issue of the fire of Hell already in his *Quaestiones de resurrectione mortuorum et de poena damnatorum* (Naples 1525), qq. 5 and 7, ff. 10v–12v and 16v–18v.

¹²⁰ *Quodl.* II, q. 20, pp. 100–3. Giles’s treatment is a criticism and correction of Henry of Ghent, who had approached the same issue in Easter 1286 in his *Quodl.* IX, q. 14, *Utrum ex fundamentis Aristotelis possit ostendi quod intellectus in omnibus sit unus numero, et an contrarium possit demonstrari*, in Henry of Ghent, *Quodlibet IX*, ed. R. Macken (Henrici de Gandavo Opera Omnia, 13) (Leuven 1983), pp. 246–57. Giles’s question is noteworthy for the reference to the sons of Averroes. See above, n. 77.

¹²¹ *Quodl.* II, q. 26, *Utrum liceat recipere elemosynam ab eo qui nihil habet nisi de usuris*, pp. 113–15; *Quodl.* II, q. 27, pp. 115–17, again on usury; *Quodl.* II, q. 24, pp. 110–12, on the perfection of the virginal status in religious; *Quodl.* II, q. 25, pp. 112–13, on the limits of obedience for people living in a religious community. All these questions deal with issues connected with the big controversy over the perfection of the regular as compared to the secular clergy. So it does not come as a surprise that, in 1289 or 1290, Henry of Ghent attacks Giles’s *Quodl.* II, q. 24, in his *Quodl.* XIII, q. 14, *Utrum aliquod opus bonum sine voto possit esse melius quam castitas sub voto*, where he clearly expresses his view concerning the greater perfection of the secular clergy. See Henry of Ghent, *Quodlibet XIII*, ed. J. Decorte (Henrici de Gandavo Opera Omnia, 18) (Leuven 1985), pp. 140–85.

¹²² *Quodl.* II, q. 28, *Utrum liceat iterare poenitentiam pluries confitendo eadem peccata*, pp. 117–20.

¹²³ On the controversy between seculars and mendicants over confession, see Hödl’s introduction to Henry of Ghent, *Tractatus super facto praelatorum et fratrum* (*Quodlibet XII, quaestio 31*), eds. L. Hödl and M. Haverals (Henrici de Gandavo Opera Omnia, 17) (Leuven 1989).

a general answer. It is not only possible but even advisable to confess the same sins several times, for each time the penitent gets a different effect. In this way, Giles cleverly avoids siding with either party, but in fact he provides the seculars' position with a solid theological justification.

Giles's second *Quodlibet* marks a peak in his production. He responds to the most controversial questions of the day with remarkable self-assurance, often with elegance and sometimes even with a hint of irony. He copes with the 1277 condemnation, not denying its legal value but interpreting it so as to make it actually void. He defends his metaphysical views against his adversaries' objections. He also shows a remarkable equanimity concerning the controversy between seculars and mendicants. In some rare moments, we can glimpse some of Giles's verve through the written version of *Quodlibet* II. So it is no wonder, and probably no coincidence, that, only a few days after disputing this *Quodlibet*, Giles was made the intellectual guide of his order. This new official role will influence the nature of the following *Quodlibeta*.

Quodlibet III: Psychology and Pessimism

Giles's *Quodlibet* III contains 18 questions, the lowest number among his *Quodlibeta*. Some of these questions, however, are remarkably long.¹²⁴ In this respect, *Quodlibet* III is different from Giles's other *Quodlibeta*, whose questions are usually not very extensive.

The core of *Quodlibet* III is a series of questions concerning psychology. Two questions concern the soul's potencies.¹²⁵ Another long and complex question asks whether there exists an agent sense, as Averroes seems to maintain. Against Averroes's view, Giles defends the complete passivity of sense.¹²⁶ Two questions concern knowledge and intelligible species, whose existence Giles defends against Henry of Ghent except in the beatific vision, where the object is present

¹²⁴ See notably *Quodl.* III, q. 2, *Utrum Deus sub speciali ratione sit subiectum in Sacra Pagina*, pp. 127–33; *Quodl.* III, q. 10, *Utrum per unum actum generetur habitus et per alium augmentetur*, pp. 150–6; *Quodl.* III, q. 14, *Utrum intellectus possit intelligere essentiam divinam mediante specie*, pp. 171–5; *Quodl.* III, q. 15, *Utrum voluntas possit movere seipsam*, pp. 176–80, and especially *Quodl.* III, q. 18, *In quo actu sit beatitudo, utrum in actu intellectus vel voluntatis*, pp. 186–93.

¹²⁵ *Quodl.* III, q. 10, *Utrum anima sit idem cum suis potentiis*, pp. 156–60; *Quodl.* III, q. 11, *Utrum potentia nutritiva, augmentativa et generativa sint realiter distinctae*, pp. 160–2.

¹²⁶ *Quodl.* III, q. 12, *Utrum detur sensus et appetitus agens*, pp. 162–9.

directly to the cognitive power and so there is no need for any cognitive medium.¹²⁷ Here Giles makes extensive use of his notion of intelligible species as a substitute for the known object and considers as secondary what for Aquinas was its main function, namely its acting as the perfection of the intellect.¹²⁸ Again, many of the topics approached in these questions are parallel to what Giles says in the *Quaestiones de cognitione angelorum*. So it is not unlikely that these questions, like several in *Quodlibet* II, were raised by somebody interested in developing Giles's views on the soul and cognition when confronted with specific philosophical and theological problems such as the beatific vision. In these questions, Giles gives a strongly original and systematic interpretation of Thomas Aquinas's cognitive psychology, based on the notion of a hierarchical order from what is most material and potential to what is most spiritual and actual.

But the most substantial part of the psychological section of *Quodlibet* III consists of several impressive questions devoted to the relationship between intellect and will. One of the topics raised again concerns the *propositio magistralis* which in 1277 had been conceded by theologians but for which Giles had been condemned, i.e. that there is no malice in the will if there is no corresponding error in the intellect. This question had already been asked in *Quodlibet* I, where Giles had defended the connection between error in the intellect and malice in the will but had remained non-committal as to which one is prior to the other.¹²⁹ Now he addresses the problem directly. In a long and complex question, he admits that there are cases in which the famous principle according to which the same thing cannot move itself is at least apparently not valid, because the will can move itself.¹³⁰ In the two following questions, the relationship between intellect and will is studied more closely, specifically concerning the *propositio magistralis*. Giles attempts to defend the priority of the intellect in

¹²⁷ *Quodl.* III, q. 13, *Utrum intellectus intelligendo aliquid indigeat specie intelligibili*, pp. 169–71; *Quodl.* III, q. 14, *Utrum intellectus possit intelligere essentiam divinam mediante specie*, pp. 171–5.

¹²⁸ On the notion of intelligible species in Thomas Aquinas and Giles of Rome and the debate over intelligible species between Henry and Giles of Rome, see G. Pini, "Il dibattito sulle specie intelligibili alla fine del tredicesimo secolo," *Medioevo* 29 (2004), pp. 267–306. On Giles's cognitive psychology in general, see A.D. Conti, "Intelletto ed astrazione nella teoria della conoscenza di Egidio Romano," *Bullettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano* 95 (1989), pp. 123–64.

¹²⁹ See above, n. 80.

¹³⁰ *Quodl.* III, q. 15, *Utrum voluntas possit movere seipsam*, pp. 176–80.

general, but at the same time he wants to make room for a limited autonomy of the will, specifically when the will is moved by sensual desire (*concupiscentia*) for a good that is only apparent. In such cases, the intellect remains uncertain as to which one of two partial good things to choose. So it is the will that, in such cases, determines itself to choose the good to which it is attracted by sensual desire.¹³¹ Giles's goal here is to inject a voluntarist element into the structure of Thomas Aquinas's generally intellectualistic ethics. It is noteworthy that in the two questions concerning the *propositio magistralis* three articles of the 1277 condemnation are explicitly quoted, but by the *opponens* and not by Giles.¹³² While in *Quodlibet* II Giles's main pre-occupations were still in coping with the effects of the 1277 crisis, here he seems at last to be more removed from that event and its consequences. Accordingly, he gives an account of the relationship between intellect and will that takes the 1277 worries into account but is not exclusively grounded on them and is already turned in a different direction.

The last question of the psychological series is also the last of *Quodlibet* III. It is a very long and important question devoted to happiness: is it in the act of the intellect or in the act of the will?¹³³ Thomas Aquinas had notoriously maintained that human happiness is to be posited in the beatific vision, which is the act of the speculative intellect.¹³⁴ It is noteworthy that Giles, while striving to keep a balance between intellect and will in his account of choice, gives clear priority to the will when considering the ultimate aim of man. Contrary to Aquinas, he maintains that man's perfect happiness is in the act of the will, not in the act of the intellect. Our happiness is to love God, not to contemplate Him, because God Himself and not the act of contemplating Him is the supreme aim of man. So Giles, although adopting Aquinas's analysis of choice with some corrections, parts company with him when the question of supreme happiness comes to the fore.

¹³¹ See Putallaz, *Insolente liberté*, pp. 232–3; P.S. Eardley, "Thomas Aquinas and Giles of Rome on the Will," *The Review of Metaphysics* 56 (2003), pp. 835–62.

¹³² *Quodl.* III, q. 16, *Utrum possit esse malitia in voluntate non existente errore in intellectu*, p. 180b; *Quodl.* III, q. 17, *Utrum quicquid voluntas vult, intellectus intelligat*, p. 184a. See Piché, *La condamnation*, art. 129 (Mandonnet 169) and art. 130 (Mandonnet 166), p. 118; art. 163 (Mandonnet 163), p. 128. See Hissette, *Enquête*, pp. 255–63.

¹³³ *Quodl.* III, q. 18, *In quo actu sit beatitudo, utrum in actu intellectus vel voluntatis*, pp. 186–93.

¹³⁴ Thomas Aquinas, *Summa theologiae*, Ia–IIae, q. 3, a. 4. See above, nn. 17–18.

A question concerning the hierarchical order of the universe recalls the metaphysical themes that Giles faced in *Quodlibet* II. Giles is asked whether it is possible for a new species to be created between two adjoining ones. The question offers an opportunity for a long treatment of harmony and melody, which is instrumental for establishing that, in music as in the order of the world, a well-organized structure is one in which there could always be an intermediate step between two neighboring elements. Accordingly, Giles's notion of analogy, which he here explains as an order toward and dependence on God, should not be seen as a chain of beings without gaps. According to Giles, order does not exclude gaps. The metaphysical foundation for this position is the infinite distance between God and creatures, which can never be filled, no matter how many species are created.¹³⁵

Giles's originality can be also appreciated in another important question of *Quodlibet* III, concerning the debate on the subject-matter of theology.¹³⁶ According to Giles, God is the subject-matter of theology not universally, but in particular respects, i.e. as *beatificator* and *glorificator*. Behind these technical formulations and the polemics with Henry of Ghent hides Giles's conception of theology as opposed to the human sciences. Metaphysics, which deals with being as being, is the most universal science, superior to all the other human sciences. But theology is superior to metaphysics, because it is based on revelation and not on knowledge acquired through our limited capacities. Giles here contrasts theology to the other sciences instead of showing their continuity and complementarity. No matter how far a human science goes, it will always be inferior to the one knowledge revealed by God. Here a peculiarly pessimistic tone emerges in Giles's treatment.

The same pessimistic tone concerning human capacities to reach truth is present in Giles's answer to q. 7, which asks whether someone

¹³⁵ *Quodl.* III, q. 5, *Utrum inter duas species immediatas possit fieri species media*, pp. 138–42. Henry of Ghent had dealt with the same issue in 1284 in his *Quodl.* VIII, q. 8, in *Quodlibeta magistri Henrici Goethals a Gandavo* I, ff. 312r–314r.

¹³⁶ *Quodl.* III, q. 2, *Utrum Deus sub speciali ratione sit subiectum in Sacra Pagina*, pp. 127–33. Giles had already dealt with this subject in the Prologue to *I Sent.* and in his *Quaestio de subiecto theologiae*, which according to Luna is perhaps a first version of *Quodl.* III, q. 2. See Nash, "Giles of Rome," pp. 72–5, and especially Luna, "Una nuova questione," pp. 414–18. In *Quodl.* III, q. 2, Giles criticizes Henry of Ghent's *Summa quaestionum ordinariarum*, a. 19, qq. 1–2 (Paris 1520; reprint St. Bonaventure, NY, 1953), ff. 114v–119v.

educated according to the principles of a false religion can find out that his own religion is false solely by means of reason.¹³⁷ Although conceding that by purely natural means somebody can recognize the falsity of his own religion, Giles stresses that all sciences, both speculative and practical, necessarily contain many falsities, since they are grounded on our fallible capacities. So Giles's pessimistic attitude induces him to take the paradoxical position that the only knowledge without rational error is the one revealed by God, i.e. the content of Christian faith, for all human sciences fall short of perfect rationality due to the effects of the Fall.

This insistence on human weakness was absent in *Quodlibeta* I and II. It is tempting to think that Giles, now the official intellectual guide of his order, has lost some interest in assembling daring metaphysical constructs. He now prefers to place his metaphysical elaborations against a more somber background. The Christian, and specifically Augustinian, notion of the Fall is now the framework within which Giles interprets Aristotle's (and Thomas Aquinas's) legacy. The hierarchical order from the most spiritual down to the most material being is itself a consequence of the distance that separates God and creatures. Even though metaphysics can provide us with an accurate picture of this situation, Giles stresses that it is always to be expected that we fall into every kind of philosophical mistake. Only the knowledge revealed by God is completely immune from error.¹³⁸

Quodlibet IV: Physics, Separated Souls and Ethics

In Giles's fourth quodlibetal session the discussion must have evolved more freely than in his previous *Quodlibeta*, for it is difficult to reduce its 21 questions to a small number of themes. All the same, it appears that most questions concern physical issues. In one question it is

¹³⁷ *Quodl.* III, q. 7, *Utrum nutritus in aliqua lege falsa possit venire in cognitionem quod lex illa falsa sit*, pp. 144–7.

¹³⁸ On the darkening of Giles's theological perspective and the increasing importance of Augustine's writings and doctrines after 1287–88, see G. Pini, "Ex defectu intellectualis luminis: Giles of Rome on the Role and Limits of Metaphysics," *Quaestio* 5 (2005), pp. 205–19; idem, "Le letture dei maestri dei frati Agostiniani: Egidio Romano e Giacomo da Viterbo," in *Libri, Biblioteche e letture dei frati mendicanti (secoli XIII–XIV). Atti del XXXII Convegno internazionale, Assisi 7–9 ottobre 2004* (Spoleto 2005), pp. 81–113.

asked whether God can make two accidents in one subject, while conversely in another it is asked whether the same accident can be in two different subjects.¹³⁹ Even though these questions are framed in general terms concerning any subject and accident, Giles notices that their real focus is the difficult problem of indeterminate dimensions, of which he here gives a detailed treatment.¹⁴⁰ It is noteworthy that Giles appeals to God as an agent that can act in a way contrary to how created agents act, as long as His effects are non-contradictory. Here Giles makes implicit use of the distinction between logical and physical impossibility. By appealing to God's supernatural powers, he observes that many distinctions that cannot hold on a purely physical level can be maintained. For instance, it is impossible for a created agent to make two bodies occupy the same portion of space or two accidents of the same species inhere in the same subject. But such things are not impossible for God. The relationship between God's power and logical and physical possibility is further studied in another question.¹⁴¹

Other physical questions inquire about the dilution of Christ's blood in the Eucharist,¹⁴² the way natural agents act by inducing and removing forms,¹⁴³ the defense of chance against physical necessitarianism,¹⁴⁴ and the relationship between augmentation and nutrition.¹⁴⁵ Also pertaining to physics is a question analyzing the notion of corruption in the specific case of Christ.¹⁴⁶

Apart from this group of physical questions, there are two questions concerning the category of relation, both from a metaphysical

¹³⁹ *Quodl.* IV, q. 1, *Utrum Deus posset facere duo accidentia eiusdem speciei existere simul in eodem subiecto*, pp. 195–202; *Quodl.* IV, q. 9, *Utrum aliquod accidens possit esse in duobus subiectis*, pp. 221–3.

¹⁴⁰ See S. Donati, "La dottrina delle dimensioni indeterminate in Egidio Romano," *Medioevo* 14 (1988), pp. 149–233.

¹⁴¹ *Quodl.* IV, q. 2, *Utrum Deus simul possit velle contraria*, pp. 202–4.

¹⁴² *Quodl.* IV, q. 6, *Utrum sanguis Christi existens sub specie guttae vini possit desinere per appositionem alterius vini*, pp. 210–13.

¹⁴³ *Quodl.* IV, q. 11, *Utrum aliquod agens naturale possit destruere aliquam formam absque eo quod educat aliam*, pp. 227–9.

¹⁴⁴ *Quodl.* IV, q. 12, *Utrum possit hic inferius esse aliquis effectus naturalis qui sit casualis non reductus in motum caeli*, pp. 229–32.

¹⁴⁵ *Quodl.* IV, q. 13, *Utrum in re augmentata sit signare id per quod fit augmentum et partem augmentatam*, pp. 232–5.

¹⁴⁶ *Quodl.* IV, q. 5, *Utrum esset dare ultimum instans in quo Christus vivebat*, pp. 208–10. This question is connected to q. 4, *Utrum Christus, in triduo mortis, potuerit dici filius Virginis*, pp. 206–8.

point of view and in its application to the Trinity.¹⁴⁷ A very long and important question deals with the notion of truth. Here Giles develops systematically several points present in Thomas Aquinas in order to give an exhaustive treatment of his theory of truth.¹⁴⁸

Another set of questions concerns angels and separated souls, i.e. human souls after death and before resurrection. Question 10 copes with a difficulty concerning the classification of angels into genera and species that seems to follow from Giles's metaphysical account of angels as immaterial substances composed of being and essence.¹⁴⁹ This is probably a question asked to clarify what Giles had said in his disputed questions. Two important questions concern separated souls: whether separated souls understand by way of rational discourse and whether separated souls can move bodies.¹⁵⁰ In these questions, Giles stresses the weakness of the human condition and adopts a tone that recalls similar statements in *Quodlibet* III. Again, it is remarkable that Giles attempts to consider the Aristotelian system of sciences from the point of view of the human status following the Fall. Sciences, including logic and metaphysics, are necessary to man in order to mend his weak intellectual powers. If man were not currently hindered in his natural capacities, he would not need them. As Giles remarks, angels do not need logic. And when God is seen directly, metaphysics will become superfluous. Here Giles also gives us a glimpse of his anthropology, which, notwithstanding some apparent similarities, is radically different from Thomas Aquinas's. According to Giles, the soul's perfect state is when it is separated from the body. Separated from the body, the human soul most resembles angels and can perform its own operations unhindered.

A final series of questions concerns ethics. In a formidable question on love, Giles states that we must love God more than ourselves, and he drastically belittles Aristotelian ethics in favor of a radically different Christian system. We love other people not for

¹⁴⁷ *Quodl.* IV, q. 3, *An et quid divina relatio superaddat divinae essentiae*, pp. 204–6; *Quodl.* IV, q. 8, *Utrum relatio realis possit immediate fundari in substantia*, pp. 218–21.

¹⁴⁸ *Quodl.* IV, q. 7, *Utrum veritas sit in rebus*, pp. 213–18.

¹⁴⁹ *Quodl.* IV, q. 10, *Utrum in entibus intellectualibus idem possit esse perfectio et perfectibile*, pp. 224–7.

¹⁵⁰ *Quodl.* IV, q. 16, *Utrum anima separata intelligat cum discursu*, pp. 240–3; *Quodl.* IV, q. 17, *Utrum anima separata possit movere aliquod corpus*, pp. 243–6. See Pini, "Ex defectu," pp. 211–17.

themselves, but in order to participate in the divine good.¹⁵¹ By contrast, q. 18 considers the virtue of justice in a remarkably mundane way, as the virtue proper to commerce.¹⁵² But in q. 19, on virtue and the acts that precede and follow it, Giles again introduces the topic of human weakness. Human nature is so corrupt that, no matter how much we try to be virtuous in our acts, we would never attain virtue were it not for the light of the agent intellect that God puts in us. We are unable to attain virtue, because virtue solely by our capacities, as Giles says, is almost contrary to our nature.¹⁵³ It would be difficult to find a more emphatic statement of ethical pessimism. Finally, in the last question of the *Quodlibet*, Giles analyzes the notion of free will and gives the necessary conditions for it to be effective.¹⁵⁴

So, even though the questions raised in *Quodlibet* IV are somehow more rhapsodic than the questions Giles disputed in the preceding sessions, it seems that the general tone of this *Quodlibet* is not different from that of *Quodlibet* III. Both in his analysis of human knowledge and in his treatment of anthropology and ethics, the official intellectual guide of the Austin friars provides his students with a somber picture of the present human condition.

Quodlibet V: Great Theological Themes towards II Sentences

Giles's *Quodlibet* V looks like a collection of the main theological themes of the times. Most of these themes are connected with the content of a commentary on Peter Lombard's second book of the *Sentences*. In *Quodlibet* V, Giles himself refers three times to his commentary on *II Sentences*, twice as a work that he intends to write soon, once as a work that he has already partly composed.¹⁵⁵ It is well known that Giles had already commented on all four books of the *Sentences* when he was a bachelor, from which lectures we have a *reportatio*. Before 1277 he only managed to publish a revised version of *I Sentences*. The revision of book two must have been one of

¹⁵¹ *Quodl.* IV, q. 14, *Utrum homo magis debeat diligere Deum quam seipsum*, pp. 235–7.

¹⁵² *Quodl.* IV, q. 18, *Utrum iustitia vel aliqua virtus moralis sit in voluntate tamquam in subiecto*, pp. 247–9.

¹⁵³ *Quodl.* IV, q. 19, *Utrum actus praecedentes sint nobiliores ipsa virtute*, pp. 249–52.

¹⁵⁴ *Quodl.* IV, q. 21, *Unde sit libertas in voluntate*, pp. 255–9.

¹⁵⁵ See above, nn. 37–38.

his main occupations during the last years of his teaching activities. As we know from *Quodlibet* V, at that date he had already written part of it, even though he would defer the publication of the entire work to a much later date.¹⁵⁶ So Giles probably disputed *Quodlibet* V with his current work on *II Sentences* in mind. At the same time, he took advantage of the quodlibetal session to put to a public test his opinion concerning some of the most fundamental and controversial theological topics of the time.

Some of the questions actually concern the content of *I Sentences* more than *II Sentences*. There is a general question concerning the relationship between faith and reason, which could well serve as a general introduction to Giles's theological enterprise.¹⁵⁷ Giles expresses his radical distrust in relying on human reason alone. Even though reason could theoretically solve all the arguments against faith, this remains a mere possibility, because as a matter of fact humans need God's help to accomplish this task. For human reason is weak, as the many mistakes even Aristotle made prove. As Giles remarks, the blessed, who see God directly, scoff at the arguments men move against the contents of faith. From what he says, however, we may suspect that according to Giles the blessed do not make much of all our reasoning in favor of faith either. This is also an opportunity for Giles to stress the special status of the theologian as a man inspired by God and accordingly superior to his colleague in the university, the philosopher. By his own means, the philosopher not only has no access to anything superior to reason, but he is not even able to keep away from error in rational arguments. By itself, reason is not sufficient for its own task. These somber remarks look like Giles's final words on the debate over the autonomy of philosophy and its supposed superiority to all the other disciplines that had fired the best spirits in Paris about fifteen years earlier.¹⁵⁸

In another question, Giles is asked to determine whether paternity is the first property in the Trinity. He takes advantage even of this technical question to introduce a distinction between what we

¹⁵⁶ See above, n. 39.

¹⁵⁷ *Quodl.* V, q. 7, *Utrum de his quae sunt fidei possit fieri aliqua ratio in contrarium quae non sit solubilis ab homine sine speciali influxu Dei*, pp. 284–6. See Pini, “*Ex defectu*,” pp. 217–19.

¹⁵⁸ See Piché, *La condamnation*, art. 40 (Mandonnet 1), p. 92; art. 154 (Mandonnet 2), p. 126. See Hissette, *Enquête*, pp. 15–20. See also above, n. 94.

can know of God and what God is in Himself, which is central to the sense of the theological enterprise.¹⁵⁹

The group of questions concerning the themes connected with *II Sentences* includes several about the relevance in theology of the notion of being. In the first question of the *Quodlibet*, Giles is asked whether God could have given a creature the power to create, which is an issue very close to what he had already dealt with in his *Quaestiones de primo principio et de esse et essentia*, to which he refers.¹⁶⁰ Giles maintains that only God can give being, which is, properly speaking, God's effect. Creatures can only collaborate as secondary agents. Another question concerning being is whether each creature is by itself ordered towards non-being.¹⁶¹ Giles's positive answer gives a metaphysical basis to his own dark picture of the condition of creatures. The following question as well, concerning the acquisition of relations and containing a critique of Henry of Ghent's *Quodlibet IX*, q. 1, is connected to the themes of creation and being.¹⁶² Another much-debated issue concerning being is the question whether in Christ there is only one being. To this question, one of the most hotly debated of the day, Giles gives a positive answer, coherent with the metaphysical views he had developed in his *Theoremata* and *Quaestiones de primo principio et de esse et essentia*, to which he refers: each thing has just one being, and Christ is no exception.¹⁶³ In this question, Giles gives a remarkable presentation of all the meanings of "being." Compared to the days of his debate with Henry of Ghent on the real difference between being and essence, in 1285–87, Giles's attitude now appears much more conciliatory. He concedes that much of the difficulty regarding the notion of being is due to terminological confusion. Giles also takes the opportunity to refer to

¹⁵⁹ *Quodl.* V, q. 2, *Utrum paternitas sit proprietas prima*, pp. 266–71.

¹⁶⁰ *Quodl.* V, q. 1, *Utrum Deus potuerit creaturae communicare potentiam creandi*, pp. 261–6. Cf. *Quaestiones de primo principio et de esse et essentia* (Venice 1503; reprint Frankfurt am Main 1968), q. 5, ff. 10r–11r.

¹⁶¹ *Quodl.* V, q. 12, *Utrum omnis creatura habeat ordinem ad non esse*, pp. 302–3.

¹⁶² *Quodl.* V, q. 13, *Utrum in aliqua creatura possit incipere aliqua nova realis relatio sine sui mutatione*, pp. 303–6. Cf. Henry of Ghent, *Quodl. IX*, q. 1, *Utrum omnis relatio inter Deum et creaturam sit, quia ipsa creatura refertur ad Deum, et non e converso*, in Henry of Ghent, *Quodlibet IX*, ed. Macken cit., pp. 3–25.

¹⁶³ *Quodl.* V, q. 3, *Utrum in Christo sint plura esse*, pp. 271–4. Cf. Henry of Ghent, *Quodl. III*, q. 2, *Utrum in Christo fuit tantum unum esse an plura*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 49r–48r.

his own Christology, according to which human nature in Christ can be described as a quasi-accident.¹⁶⁴

Another question on a theme linked to *II Sentences* is whether the agent intellect is an image of God. Concerning this theme of Augustinian origin, Giles manages to reconcile Augustine's words with Aristotle's theory of the intellect.¹⁶⁵

Several questions of the *Quodlibet* concern the metaphysical principle according to which nothing can act on itself. This too was a very controversial topic at the time. The reason for the debate was that such a principle seems to be in contrast with the self-determination of the will. Godfrey of Fontaines was one of the staunchest defenders of the principle, because he maintained that its negation implies the absurd consequence that the same thing can be actual and potential at the same time.¹⁶⁶ Giles was among those who qualified the principle in important respects. He actually admits that there are cases in which the same thing can act on itself.¹⁶⁷ Partly connected with this topic and partly connected with the analysis of the structure of creatures is the question whether something can be distinct from itself, which actually concerns the distinction between nature and *suppositum*.¹⁶⁸

Several questions concern physical themes. They too can be connected with issues dealt with in *II Sentences*.¹⁶⁹ In a noteworthy question in which Giles maintains that there are degrees in matter just as there are degrees in form, he refers to the issue of the unicity of

¹⁶⁴ See Luna, "Introduzione," in *Aegidii Romani Reportatio Lecture Super libros I-IV Sententiarum*, pp. 69-75.

¹⁶⁵ *Quodl.* V, q. 8, *Utrum intellectus agens pertineat ad imaginem Dei*, pp. 286-9.

¹⁶⁶ See J.F. Wippel, "Godfrey of Fontaines and the Act-Potency Axiom," *Journal of the History of Philosophy* 11 (1973), pp. 299-317; idem, *The Metaphysical Thought of Godfrey of Fontaines*, pp. 176-84. Specifically on Giles, see Eardley, "Thomas Aquinas and Giles of Rome," pp. 849-53.

¹⁶⁷ *Quodl.* V, q. 15, *Utrum idem secundum idem possit agere in seipsum*, pp. 310-12; *Quodl.* V, q. 16, *Utrum aliquid existens sub una perfectione possit seipsum facere sub alia perfectione*, pp. 313-15; *Quodl.* V, q. 18, *Utrum aliquid mixtum, non habens aliquam diversitatem in partibus, possit in seipsum agere*, pp. 318-21.

¹⁶⁸ *Quodl.* V, q. 14, *Utrum aliquid possit realiter distinguere a seipso, absque eo quod dicat rem aliam*, pp. 306-10.

¹⁶⁹ *Quodl.* V, q. 17, *Utrum ignis in sua sphaera calefaciat et luceat*, pp. 316-18; *Quodl.* V, q. 20, *Utrum tempus sit quantitas continua vel discreta*, pp. 325-6. On Giles's doctrine of time, see C. Trifogli, "La dottrina del tempo in Egidio Romano," *DSTFM* 1 (1990), pp. 247-76; P. Porro, "Ancora sulle polemiche tra Egidio Romano e Enrico di Gand: due questioni sul tempo angelico," *Medioevo* 14 (1988), pp. 107-48; idem, *Forme e modelli di durata nel pensiero medievale. L'aevum, il tempo discreto, la categoria "quando"* (Leuven 1996), pp. 422-45.

substantial forms in man.¹⁷⁰ As is well known, Giles had been condemned in 1277 for holding that in man there is just one substantial form, and in *Quodlibet* I he had deftly avoided giving his opinion on the topic.¹⁷¹ Here Giles keeps this very cautious attitude. Like Henry of Ghent, he states that in all things except man there is only one substantial form; as to man, he concedes that the matter is doubtful. Compared to his own youthful statements on the unicity of the substantial form in man, Giles here seems to be more detached, and possibly less interested as regards this famous debate. Now there are other more basic theological issues that seem to be more pressing to him.

An important group of questions in *Quodlibet* V concerns the other fundamental theological theme of man's union with God and the beatific vision, which are the ultimate aims of man. Giles states that man is more united with God by loving Him than by understanding Him.¹⁷² He also maintains that, since the will always plays some role in the judgment of the intellect, it is impossible for a human to know God without loving Him.¹⁷³ Here Giles grounds his theology on the notion of love more than on that of understanding. He also gives a remarkable analysis of the superiority of love as compared to understanding. For those who want to understand, it is enough to get in their minds a likeness of the thing to know. But for those who love, a likeness is not enough: they want to become one and the same with the beloved. In this analysis of love, Giles is certainly aware of what Thomas Aquinas had said on the subject, but he also reveals a strong influence from his Neoplatonic source, the Pseudo-Dionysius.¹⁷⁴

¹⁷⁰ *Quodl.* V, q. 19, *Utrum in materia sint essentielles gradus sicut et in forma*, pp. 321–5.

¹⁷¹ See above, nn. 21 and 87.

¹⁷² *Quodl.* V, q. 5, *Utrum creatura rationalis magis uniatur Deo per amare quam intelligere*, pp. 276–8. See Nash, "Giles of Rome," pp. 85–7.

¹⁷³ *Quodl.* V, q. 6, *Utrum esset possibile quod aperte quis videret Deum et non diligeret ipsum*, pp. 278–84. In 1288/89, Henry of Ghent had dealt with the same issue and given an answer similar to what Giles here maintains. See Henry of Ghent, *Quodl.* XII, q. 5, *Utrum Deus posset facere quod intellectus possit videre ipsum, et quod tamen voluntas eum non diligat*, in Henry of Ghent, *Quodlibet XII*, ed. Decorte cit., pp. 30–4.

¹⁷⁴ Pseudo-Dionysius, *De divinis nominibus* IV, 13, ed. B.R. Suchla, *Corpus Dionysiacum* I (Berlin-New York 1990), pp. 158–9 (PG 3, col. 712A–B). Cf. P. Chevallier, *Dionysiana. Recueil donnant l'ensemble des traductions latines des ouvrages attribués au Denys de l'Areopage* I (Paris 1937), pp. 215–20. See also Thomas Aquinas, *Summa theologiae* Ia IIae, q. 66, a. 6; IIa IIae, q. 23, a. 6, ad 1.

Specifically concerning the beatific vision, in a long and complex question Giles gives his opinion on this most debated topic. As he had already maintained in *Quodlibet* III, he holds that when the intellect is directly in the presence of its object, it does not need any intermediate device such as an intelligible species or an inner word (*verbum*) to become acquainted with its object.¹⁷⁵ In this respect, he is closer to Henry of Ghent than to Thomas Aquinas.¹⁷⁶ This analysis of human knowledge in the case of the beatific vision is connected to three questions concerning intentions.¹⁷⁷

Finally, there are several questions concerning topics of a more practical kind. In q. 24, Giles is asked whether the way Beguines earn their living is admissible. Following the advice of their spiritual advisors, they conceded the possession of their goods to someone in exchange for a life annuity.¹⁷⁸ This question must have been particularly pressing, for in the same years it was also posed several times to Henry of Ghent.¹⁷⁹ Both Giles and Henry adopted an attitude hostile towards this new way of earning a living. This also prompted Giles to give an extended treatment of the different theories of usury current in his time. In q. 25, Giles deals with another issue of some topicality, i.e. whether it is the case that a corpse bleeds in the presence of the murderer. This question is linked to a scandal that occurred in 1282, when the corpse of the bishop of

¹⁷⁵ *Quodl.* V, q. 9, *Utrum beati videntes Deum forment inde verbum*, pp. 289–94.

¹⁷⁶ See above, n. 128.

¹⁷⁷ *Quodl.* V, q. 10, *Utrum intentiones causatae in medio vel in aliquo susceptivo educantur de potentia materiae vel de potentia sui subiecti*, pp. 294–8; *Quodl.* V, q. 11, *Utrum formae intentionales producantur a sola forma vel a toto composito*, pp. 298–302; *Quodl.* V, q. 21, *Utrum sensibilia possint immutare sensum et imaginationem et pervenire usque ad intellectum*, pp. 326–31. These questions are also connected with the physical questions of *Quodl.* V.

¹⁷⁸ *Quodl.* V, q. 24, *Utrum liceat emere redditum ad vitam*, pp. 336–9. The link with the Beguines is made explicit in the argument *quod sic*. See *ibid.*, p. 336a: “In contrarium est, ut dicebatur, quia multae beginae emunt huiusmodi redditus et dicunt se hoc facere consilio religiosarum personarum.” On this question, see O. Langholm, *Economics in Medieval Schools. Wealth, Exchange, Value, Money and Usury According to the Paris Theological Tradition, 1200–1350* (Leiden-New York-Köln 1992), pp. 386–9. This is one of the questions in which the order of the opening arguments is inverted: see above, n. 71.

¹⁷⁹ See Henry of Ghent, *Quodl.* I, q. 39, *Utrum liceat emere redditus ad vitam*, in Henry of Ghent, *Quodlibet* I, pp. 209–18; *Quodl.* II, q. 15, *Utrum licitum sit vendere redditum ad vitam*, in Henry of Ghent, *Quodlibet* II, pp. 96–101; *Quodl.* VIII, q. 24, *Utrum liceat emere redditus perpetuos*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 333v–334r. On this issue, see F. Veraja, *Le origini della controversia teologica sul contratto di censo nel XIII secolo* (Rome 1960).

Hereford, Thomas de Cantilupe, allegedly started bleeding when entering the province of Canterbury, whose archbishop, John Pecham (Cantilupe's former master and old friend), was held morally responsible for his death.¹⁸⁰ Without mentioning the specific case of Pecham and Cantilupe, Giles treats this delicate topic with great circumspection. He dismisses the naturalistic explanations of the phenomenon as fanciful, and states that, if a similar event ever occurred, there are only two possible explanations: either it was a miracle, in which case no rational account can be given of it, or it happened by chance, and because of its rarity it soon became the object of popular rumors so that the illusion developed that things usually happen like that.¹⁸¹

After two questions concerning specific topics connected with the resurrection,¹⁸² Giles concludes his *Quodlibet* V with the important question whether separated souls can know particulars.¹⁸³ This question is connected with themes already treated in *Quodlibet* IV. Giles reports and criticizes Thomas Aquinas's position according to which separated souls can know particulars only in a confused way.¹⁸⁴ According to Giles, separated souls are much more similar to angels than Aquinas had maintained. He claims that the normal and ideal status of a soul is in separation from the body; for a soul, the union with a body represents a condition of decadence where the soul cannot develop all its potentialities. In this respect, the difference from Aquinas could not be more marked. Accordingly, Giles holds that a separated soul can know particulars not only confusedly, but also precisely, as angels do.

Giles takes advantage of his fifth quodlibetal session to tackle some of the most important theological issues of his day. He gives a clear presentation of his own theological views concerning these controversial topics, probably in preparation for his commentary on

¹⁸⁰ *Quodl.* V, q. 25, *Utrum ad praesentiam occisoris plagae occisi effundant sanguinem*, pp. 339–42.

¹⁸¹ On the whole Pecham-Cantilupe affair, see D.L. Douie, *Archbishop Pecham* (Oxford 1952), pp. 192–218, and, with specific reference to Giles's question, Boureau, *Théologie, science et censure*, pp. 227–65.

¹⁸² *Quodl.* V, q. 26, *Utrum religiosus resuscitatus teneatur ad religionem redire*, pp. 342–3; *Quodl.* V, q. 27, *Utrum, si aliquis sit nutritus ex carnibus humanis, in quo resurgent huiusmodi carnes*, pp. 344–5. In *Quodl.* V, q. 26, Giles criticizes Henry of Ghent's *Quodl.* I, q. 37. See Henry of Ghent, *Quodlibet* I, pp. 205–7.

¹⁸³ *Quodl.* V, q. 28, *Utrum anima separata intelligat particularia*, pp. 345–9.

¹⁸⁴ Thomas Aquinas, *Summa theologiae*, I, q. 89, a. 4.

II Sentences. An institutional preoccupation towards his own order may also have been present. He probably wanted to give a clear word concerning all the important debates of the time, so that the Austin friars could get a clear idea of what kind of theology they had to adopt.

Quodlibet VI: The Defense of a Theological Style

Giles disputed his last university *Quodlibet* after his election as prior general of the Austin friars. Similar to what happened in *Quodlibet IV*, there seems to be no dominant theme running through its 25 questions. All the same, some questions can be sorted out into little groups. Sometimes, these questions contain Giles's last words concerning old disputes, other times they reflect more recent controversies. In general, Giles's attitude is remarkably conciliatory, even concerning his historical opponent, Henry of Ghent, who had just disputed the last *Quodlibet* of his long career and was soon to die. Giles here refers to him with clear signs of respect.

Some questions deal with being and essence, which some years earlier had been the topic of a fiery controversy with Henry of Ghent. Again, Giles posits the real distinction between being and essence as the basis of his metaphysics. From it, he deduces the whole structure of the created world. In q. 4, where he identifies creation and being, he gives the theological rationale of his doctrine.¹⁸⁵ He presents a short history of the notion of being throughout philosophy, culminating with his own doctrine of composition of being and essence in all creatures. This appears to be Giles's last public pronouncement concerning the famous dispute on being and essence. In comparison with his previous works, Giles's current treatment is remarkably deprived of polemical tones. He only insists on his main point, namely that each creature is composed of two elements, one potential and the other actual. But he concedes that it is not important how we decide to call these two elements. Moreover, he does not even mention that their composition must be seen as a composition between two different things, which was the point that put him in opposition to Henry of Ghent. In another question, Giles deduces the presence

¹⁸⁵ *Quodl.* VI, q. 4, *Quid sit creatio, utrum sit substantia vel accedens*, pp. 362–9. On Giles's identification of being and creation in his previous works, see Pini, "Being and Creation."

of accidents in creatures from the difference between being and essence.¹⁸⁶ Two questions on the intention and remission of forms are also connected by Giles to the theme of being and essence.¹⁸⁷

As to contemporary theological topics disputed, two questions regard charity. Giles maintains that natural charity is not sufficient to carry out a meritorious act, for a special divine influx is also needed.¹⁸⁸ So, for all its importance, love is not enough to carry out a good action. Here again Giles's pessimism becomes apparent: he explicitly states that, in order to account for the teachings of the Bible, we must assign to grace as much as we can and to nature as little as we can. The only limit to this exegetical and theological maxim is set by free will, whose possibility the theologian must always defend. In the second question concerning charity, Giles is confronted with Peter Lombard's doctrine according to which, contrary to what is commonly held, in the soul there is only grace and no corresponding habit of charity.¹⁸⁹ After noting that there is a great debate over this issue, Giles gives a conciliatory interpretation of Peter Lombard. It is in this context that he refers to Henry of Ghent as a "subtle master."

Another hot topic was the relationship between the soul and its potencies. Specifically, it was controversial whether the soul can be regarded as the efficient cause of its potencies. Godfrey of Fontaines maintained that this is not possible, because of the famous principle according to which something cannot be the cause of itself. By contrast, Giles maintains that the soul is the cause of its own potencies.¹⁹⁰ Connected to this topic is the problem of the causal power of the will, both on other things and on itself.¹⁹¹ In the latter question,

¹⁸⁶ *Quodl.* VI, q. 6, *Utrum perfectio quae est accidens possit in aliquo esse absque perfectione quae est esse*, pp. 373–6.

¹⁸⁷ *Quodl.* VI, q. 9, *Utrum forma accidentalis intensi et remissi sit eadem specie*, pp. 385–7; *Quodl.* VI, q. 10, *Utrum forma intensa et remissa differant numero*, pp. 387–9.

¹⁸⁸ *Quodl.* VI, q. 2, *Utrum habens charitatem sine speciali Dei influxu possit exire in actum meritorium*, pp. 354–7. In this question, the order of the opening arguments is inverted: see above, n. 71.

¹⁸⁹ *Quodl.* VI, q. 5, *Utrum diversa perfectibilia genere possit perficere una et eadem perfectio*, pp. 369–73.

¹⁹⁰ *Quodl.* VI, q. 12, *Utrum angeli vel animae sint in genere causae efficientis respectu suarum potentialium*, pp. 393–7. On Godfrey of Fontaines, see Wippel, *The Metaphysical Thought of Godfrey of Fontaines*, pp. 202–7.

¹⁹¹ *Quodl.* VI, q. 13, *Utrum voluntas moveat aliquas potentias mediante influxu*, pp. 397–400; *Quodl.* VI, q. 14, *Utrum, si voluntas non moveret seipsam, posset per actum suum mereri*, pp. 400–2.

Giles, while remarking that what Thomas Aquinas himself had sometimes said on causality cannot be taken literally, formulates a sort of charity principle and states that a master's words need a benevolent interpreter, not a malevolent critic. He had said something similar concerning Aquinas's doctrine of forms in his youthful *Contra gradus et pluralitatem formarum*.¹⁹²

In three questions, Giles deals with the topic of knowledge, both in angels and in humans. Remarkably, here Giles's tendency is to treat this controversial topic in a very general way. He defends the Aristotelian view of knowledge as an intentional union between knower and thing known against alternative theories according to which knowledge is an emission from the knower to the known thing or a real composition between knower and known thing.¹⁹³ Among the proponents of the former theory is Adelard of Bath, whom Giles probably knows through Albert the Great.¹⁹⁴ The proponent of the latter theory is Empedocles. Against these theories, Giles describes knowledge as the reception of the formal expression (*expressio formalis*) of the thing known. Any Aristotelian could agree with such a general description. Of course, what was controversial among Aristotelians was what such a formal expression was, whether an intelligible species, an inner word, an act of the intellect or something else. Probably in order to avoid controversy on this topic, Giles here chooses to adopt the general expression "formal expression" and avoids saying anything more about it. He only defends the general point that knowledge is the intentional union between knower and thing known by way of a formal expression. This is now for him the only essential point worth defending. Such an eirenic attitude possibly betrays Giles's current detachment and even some impatience with the niceties of the academic debate that only some years earlier had seen him and Henry of Ghent on opposing sides concerning the actual mechanism of knowledge. In another question, Giles investigates the limits

¹⁹² *Quodl.* VI, q. 13, p. 399a: "Advertendum tamen quod, quia ad solam praesentiam agentis, sine alio motu et transmutatione, fiunt tales immutationes, ideo dicantur ista aliquando immitti ab agente et dicatur quod in talibus aliquo modo fiat forma. Quae omnia oportet habere suum intellectum, et dicta doctorum exposcunt pium et bonum lectorem et expositorem, non malum, invidum et insidiatorem." On a similar statement in the *Contra gradus* concerning Aquinas, see Putallaz, *Insolente liberté*, pp. 209–10, and Bianchi, *Censure et liberté intellectuelle*, pp. 78–9.

¹⁹³ *Quodl.* VI, q. 15, *Utrum cognoscere hominis vel angeli fiat per contactum*, pp. 402–6.

¹⁹⁴ See D.G. Hasse, "Pietro d'Abano's 'Conciliator' and the Theory of Soul in Paris," in *Nach der Verurteilung von 1277*, Aertsen, Emery, and Speer, eds., pp. 645–50.

of our knowledge in this life. Even though we can increase our knowledge *ad infinitum*, it will be always inferior to the knowledge of the blessed in Heaven.¹⁹⁵ Here we perceive the same pessimistic tone that was already present in *Quodlibeta* IV and V.

Another question concerning knowledge in angels and men is q. 11, in which Giles is asked about the Augustinian argument that relates the knowledge of truth to the immortality of the soul. Giles takes the opportunity to link his basically Thomistic treatment of truth to his own anthropology.¹⁹⁶

In three questions, Giles also deals with a completely different issue, i.e. sin and the Virgin Mary. These questions testify to the renewed theological interest in Mary. In q. 18, Giles does not hesitate to correct Augustine and to maintain that for Mary it is better to be a mother than to be a virgin.¹⁹⁷ In q. 20, Giles directly confronts the controversial issue of the immaculate conception. Like many of his contemporaries, he maintains that Mary was not conceived without sin. Even though the time in which Mary shared the common guilt of humanity was brief, this time did exist. Giles refers to the opinion of Henry of Ghent, who in his last *Quodlibet* had maintained that Mary had remained in sin only for an instant.¹⁹⁸ Giles refutes Henry's attempt to save as much of the popular belief on the immaculate conception as possible, but again Giles's respectful tone in referring to his old adversary is remarkable. While criticizing Henry's position, Giles also mentions with explicit approval some of his distinctions and arguments.

Other questions on difficult theological topics concern God's foreknowledge¹⁹⁹ and the relationship between *suppositum* and nature in Christ.²⁰⁰

¹⁹⁵ *Quodl.* VI, q. 17, *Utrum cognitio aenigmatica possit crescere in infinitum*, pp. 410–12. Another question concerning knowledge is *Quodl.* VI, q. 16, *Utrum angelus doceat hominem aliquid operando circa intellectum hominis*, pp. 406–9, on angels' ability to teach something to men.

¹⁹⁶ *Quodl.* VI, q. 11, *Utrum tam angelus quam homo sive quam anima humana, ex eo quod sit perceptiva veritatis, habeat esse incorruptibile*, pp. 389–93.

¹⁹⁷ *Quodl.* VI, q. 18, *Utrum sit maius bonum de quo gaudet magis beata Virgo, an virginitas an maternitas*, pp. 413–15.

¹⁹⁸ Henry of Ghent, *Quodl.* XV, q. 13, *Utrum conceptio beatae Virginis sit celebranda ratione conceptionis*, in *Quodlibeta magistri Henrici Goethals a Gandavo*, ff. 584r–589r. On the immaculate conception and in particular on Henry's question see M. Lamy, *L'immaculée conception. Éclapés et enjeux d'une controverse au Moyen Âge (XII^e–XV^e siècles)* (Paris 2000), pp. 306–23.

¹⁹⁹ *Quodl.* VI, q. 1, *Utrum Deus ab aeterno cognoverit futura sicut facta*, pp. 351–4.

²⁰⁰ *Quodl.* VI, q. 3, *Utrum Dei Filius, absque depositione humanae naturae quam habet sibi coniunctam in unitate personae, posset aliam naturam humanam numero assumere*, pp. 357–61.

So Giles's last *Quodlibet*, disputed after his election to prior general of his order, is remarkable for its detached tone and for his unwillingness to resume old polemics. He now defends a few general points that he regards as essential for his theological enterprise and presents them in a way that may attract the approval of people adhering to partly different views. All in all, this last *Quodlibet* already seems to be removed from the atmosphere of the academic debates of his former colleagues. The fact that his historical adversary, Henry of Ghent, had probably just ceased teaching may also be important. In the rapidly changing atmosphere of medieval universities, in a few years Giles had passed from the theological avant-garde to the academic and religious establishment. The theological debates of the 1290s would be dominated by different themes and figures than those of the 1270s and 1280s to which Giles was bound. And Giles himself, in his years as archbishop of Bourges, would be involved in disputes of a different character and import. The university controversies in which he had played a major role between 1286 and 1292 must have quickly faded away when he was called to give his opinion on delicate and momentous issues such as the controversy between Boniface VIII and the supporters of the Colonna family concerning a pope's right to abdicate, or the controversy between Boniface VIII and the king of France, Philip the Fair, or again the suppression of the Knights Templar in the Council of Vienne, or the process against Peter John Olivi.²⁰¹

²⁰¹ See Del Punta, Donati and Luna, "Egidio Romano," pp. 323–6; C. Luna, "Un nuovo documento del conflitto fra Bonifacio VIII e Filippo il Bello: il discorso 'De potentia domini pape' di Egidio Romano (con un'appendice su Borromeo di Bologna e la Eger cui lenia)," *DSTFM* 3 (1992), pp. 167–243; Paravicini Bagliani, *Bonifacio VIII*, pp. 162–3, 308.

GODFREY OF FONTAINES' *QUODLIBET* XIV ON JUSTICE
AS A GENERAL VIRTUE: IS IT REALLY A *QUODLIBET*?

John F. Wippel

Godfrey of Fontaines has long been recognized as one of the leading Masters in the Faculty of Theology at the University of Paris in the final decades of the thirteenth century, and his underlying philosophical thought has also proved to be of considerable interest and value. His work is particularly relevant to the theme of this book because he selected *quodlibeta* as his major vehicle for disseminating his personal philosophical and theological positions. While a number of his Ordinary Disputed Questions survive, at least in abbreviated form, their significance pales in comparison with that of his fifteen *Quodlibeta*, all of which have been published. These are based on quodlibetal disputations he conducted at the University of Paris from 1285 until ca. 1303/04.¹

¹ For what is still the most complete if necessarily dated study of Godfrey's life and career see M. De Wulf, *Un théologien-philosophe du XIII^e siècle. Étude sur la vie, les œuvres et l'influence de Godefroid de Fontaines* (Brussels 1904). For a general presentation of his metaphysical thought and for other secondary literature see my *The Metaphysical Thought of Godfrey of Fontaines. A Study in Late Thirteenth-Century Philosophy* (Washington, DC, 1981). Also on his life see there pp. xi–xxi. For an update on more recent literature concerning his career see my “Godfrey of Fontaines at the University of Paris in the Last Quarter of the Thirteenth Century,” in *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts. Studien und Texte*, J.A. Aertsen, K. Emery, Jr., and A. Speer, eds. (Berlin-New York 2001), pp. 359–89. Godfrey's *Quodlibeta* have been edited in the series *Les Philosophes Belges* (henceforth cited as PB plus volume and page numbers): vol. 2: *Les quatre premiers Quodlibets de Godefroid de Fontaines*, eds. M. De Wulf and A. Pelzer (Louvain 1904); vol. 3: *Les Quodlibets cinq, six et sept*, eds. M. De Wulf and J. Hoffmans (Louvain 1914); vol. 4: *Le huitième Quodlibet, Le neuvième Quodlibet, Le dixième Quodlibet*, ed. J. Hoffmans (Louvain 1924, 1928, 1931); vol. 5: *Les Quodlibets onze et douze, Les Quodlibets treize et quatorze*, ed. J. Hoffmans (Louvain 1932, 1935); vol. 14: *Le Quodlibet XV et trois Questions ordinaires de Godefroid de Fontaines*, ed. O. Lottin (Louvain 1937). In preparing their editions the various editors have used the following manuscripts: *Quodlibeta* I and II (long version): Paris, BNF, lat. 14311, 15364, 15845; *Quodlibeta* III and IV (long version): for *Quodlibet* III, qq. 1 and 2: the same three Paris manuscripts; for *Quodlibet* III, qq. 3–16 and *Quodlibet* IV: Paris, BNF, lat. 14311; *Quodlibeta* III and IV (short version): Paris, BNF, lat. 15846, 15364, Cambrai 435 (408), Paris, BNF, lat. 15841; *Quodlibeta* V, VI, VII: Paris, BNF, lat. 14311, 15842, Pembroke

Nonetheless, certain unanswered questions remain about some of Godfrey's *Quodlibeta* in their written form. For instance, it is well known that only *reportationes* survive of his first four *Quodlibeta*. It has been suggested that this is because in the case of these four *Quodlibeta* Godfrey himself did not submit a revised and corrected version to the University stationer, which would have served as the exemplar of his final and determined version of each of these disputations. Even so, the organization of these *reportationes* indicates that they do not reflect the first day's oral disputation, where any number of questions would have been raised in haphazard fashion without any overall organizing plan. Rather the surviving *reportationes* of each of them indicates that Godfrey had taken the time to impose an organizing plan on them before presenting his oral determination on the second day of the disputation. Moreover, there are signs suggesting that Godfrey may have had a more complete written version in his personal possession, since one occasionally sees references in these *reportationes* to the *liber magistri* for content missing from particular questions within these *Quodlibeta*.²

College, Cambridge 170; *Quodlibeta* VIII, IX: Paris, BNF, lat. 14311, 15842, Pembroke College, Cambridge, 170; *Quodlibet* X: Paris, BNF, lat. 15842, 14311, Pembroke College, Cambridge, 170, BAV, Vat. lat. 1032, Borghese 302, 301; *Quodlibeta* XI, XII: Paris, BNF, lat. 15842, 14311, Pembroke College, Cambridge, 170, BAV, Vat. lat. 1031, Borghese 302; *Quodlibeta* XIII, XIV: Paris, BNF, lat. 15842, 14311, Pembroke College, Cambridge 170, BAV, Vat. lat. 1032, 1031, Borghese 302, 301; *Quodlibet* XV: Louvain G 30. For valuable descriptions of these and many other manuscripts which contain greater or lesser numbers of Godfrey's *Quodlibeta* or excerpts see J. Hoffmans and A. Pelzer, *Étude sur les manuscrits des Quodlibeta*, in PB 14.143–321. For the dating of Godfrey's *Quodlibeta* see Glorieux I, pp. 149–51. Glorieux's proposed datings are still defensible in large measure, although certain unmistakable references in Godfrey's *Quodlibet* VIII to James of Viterbo's *Quodlibet* I have led me to propose slight revisions for the dates of *Quodlibeta* VII through XIV. I would place *Quodlibet* VII in either the academic year 1290/91 or 1291/92, *Quodlibet* VIII in 1292/93, *Quodlibet* IX in 1293/94, *Quodlibet* X in 1294/95, *Quodlibet* XI in 1295/96, *Quodlibet* XII in 1296/97, *Quodlibet* XIII in 1297/98, *Quodlibet* XIV in 1298/99 and, here in agreement with Glorieux, *Quodlibet* XV ca. 1303/04. See my *The Metaphysical Thought of Godfrey of Fontaines*, pp. xxiii–xxviii and, concerning *Quodlibet* XV, the Appendix to the present chapter.

² On the texts of the first four *Quodlibeta* as *reportationes* see *Les quatre premiers Quodlibeta de Godefroid de Fontaines*, eds. De Wulf and Pelzer, PB 2.xv–xvi. Note that the editors have also published in the same volume an abbreviated version of the text for *Quodlibeta* III and IV. The editors also note that within these *Quodlibeta* certain questions simply end with the words: *Responsio in libro Magistri* (*Quodlibeta* II, q. 10; III, 13–16) or: *Respondeo dicendum . . . In libro magistri* (*Quodlibet* II, qq. 13 and 14). In his extensive and later study of Godfridian manuscripts in Italy and Vatican City, in his analysis of Vat. lat. 1032 Pelzer adds other examples of similar references (*Quodlibet* II, qq. 9 [not q. 10], 13, 14; *Quodlibet* III, qq. 7, 8, 9, 10, 13–15).

In addition to the *reportationes* of *Quodlibeta* I–IV, abbreviated versions of *Quodlibeta* III and IV survive and have been published. They, too, reflect the organizing plan that was imposed by Godfrey in offering his determination of the various questions on the second day of each of the original quodlibetal disputations.³ But modern students of Godfrey have offered different explanations to account for the origin of these abbreviated versions. Odon Lottin, the editor of Godfrey's long unknown *Quodlibet* XV, has identified it as an abbreviated version and, for reasons to be indicated in the following paragraph, has concluded that it owes its origins to Godfrey himself. He then suggested that this same conclusion be applied to the abbreviated versions of *Quodlibeta* III and IV.⁴ However, Prospero Stella maintained that these *abbreviationes* were drawn up in their present form not by Godfrey, but by Hervaeus Natalis.⁵

Moreover, for quite some time it was assumed that Godfrey conducted only 14 *Quodlibeta*. Fortunately, in 1937 Lottin edited the text of a previously unknown Godfridian *Quodlibet*, now known as *Quodlibet* XV. Lottin went further and concluded that, in light of the identity of the hand that had written the only surviving manuscript copy of

See PB 14.237. However, Pelzer remarks there that such stylistic formulas do not necessarily imply the existence of an autograph or of a complete exemplar copy in Godfrey's possession. The editors of *Quodlibeta* I–IV had already offered a similar caveat in 1904: "Ces formules peuvent se rapporter à quelque autre dissertation du maître, mais il est plus probable qu'il s'agit là d'une clause de style à laquelle recourt le *reportator* sous forme de finale et pour éviter d'aborder le fond de la question" (PB 2.xvi). However, I see no compelling reason not to take the reporter at his word, and to conclude that he was referring to a complete text in Godfrey's possession, with the possible exception of the issue of timing. How could the reporter refer to a complete text in Godfrey's possession when actually reporting the second day's oral determination by the *Magister*? Presumably Godfrey would not yet have had time to write out in full his determination of every question raised in the preceding oral session. Nonetheless, it seems likely that he would have prepared some notes which he used in offering his oral determination, and perhaps the reporter was referring to these under the assumption that Godfrey would eventually prepare the complete text for circulation. Or perhaps the reporter had occasion to revise his own *reportatio* at a later date after Godfrey had in fact completed his written *determinatio*.

³ For these see PB 2.301–54. For discussion of the two oral sessions involved in University quodlibetal disputations see Wippel, "Quodlibetal Questions," pp. 158–65. Note in particular the references given there to Glorieux's groundbreaking work concerning this in Glorieux I, pp. 18–19, and II, pp. 37–8, and elsewhere.

⁴ See O. Lottin, "Une question quodlibétique inconnue de Godefroid de Fontaines," *Revue d'histoire ecclésiastique* 30 (1934), pp. 852–9, esp. pp. 856–7 and n. 1 (p. 857).

⁵ See P.T. Stella, "Teologi e teologia nelle 'reprobationes' di Bernardo d'Auvergne ai Quodlibeti di Goffredo di Fontaines," *Salesianum* 19 (1957), pp. 185–6.

Quodlibet XV and that responsible for various marginal notations in other manuscripts known to have belonged to Godfrey's personal library, Godfrey himself had personally drafted that copy.⁶ And as noted above, he also suggested that Godfrey himself was personally responsible for the *abbreviationes* of *Quodlibeta* III and IV. And in the course of reporting this while describing this manuscript, Jean Hoffmans went on to propose that one could extend this conclusion to the abridgments of other Godfridian *Quodlibeta* that survive in various manuscripts.⁷

Unfortunately, the only known manuscript containing *Quodlibet* XV (Louvain G 30) was lost with the destruction of the Louvain University Library in World War II. In light of my examination of a microfilm copied from a microfilm of this manuscript, it seems unlikely to me that the hand that copied this text is identical with that responsible for the personal notations present in other manuscripts in Godfrey's library which are widely acknowledged to be in his own hand. Nonetheless, it cannot be doubted that this manuscript was once in Godfrey's personal possession. Moreover, Robert Wielockx has indicated to me in private conversation that, based on his examination of a somewhat clearer microfilm of this manuscript, various marginal notations in MS G 30 are in fact in Godfrey's hand. It is interesting to recall that in his 1934 article Lottin had called attention to these marginal notations, which he described as being written in a script that is more cursive than that of the main text itself, and indicated that it would be natural for these notations to be in Godfrey's hand but that, as of that date, he had not had the opportunity to compare them.⁸

Later, by the time of his edition of *Quodlibet* XV in 1937, he had been able to compare the hand in which *Quodlibet* XV is written with other instances of Godfrey's handwriting, and had concluded that they were identical.⁹ In light of Wielockx's findings, one may wonder whether Lottin had actually compared and identified the *text*

⁶ See PB 14.76 ("Addendum"). Note that on p. 76 Lottin also reproduces a notation in the lower margin indicating that this manuscript (Louvain G 30, f. 253va), or at least the cahier containing *Quodlibet* XV, belonged to Godfrey himself: "Quaestiones de uno quolibet magistri G(odefridi) de fontibus, concessae fratri St(ephano) de montibus ab executoribus dicti magistri G(odefridi)."

⁷ See PB 14.305–6.

⁸ Lottin, "Une question quodlibétique inconnue," p. 853, n. 1.

⁹ PB 14.76, "Addendum."

of *Quodlibet* XV (as he states in 1937) or the *marginal notations* with other samples of Godfrey's hand (as he had wanted to do in 1934). If the latter alternative is in fact correct, his reference in 1937 to the text of *Quodlibet* XV may have been owing to a slip of the pen. In any event, since this text itself was clearly in Godfrey's personal possession and since his marginal notations indicate that he had devoted careful attention to it, its authority remains very great even if it is not an autograph. Moreover, as already noted, it is the only known copy of *Quodlibet* XV.

Still another question remains unresolved concerning the literary genre of what we know today as Godfrey's *Quodlibet* XIV. Since the Middle Ages there has apparently been some confusion concerning whether it really is a *Quodlibet*, or perhaps some other kind of disputed question. On the one hand, the earliest manuscripts of Godfrey's works containing the text explicitly identify it as a *Quodlibet*. Indeed, in Paris, BNF, lat. 14311 (MS V of the text edited in PB 5), at the top of the pages there is continuing reference throughout the manuscript to it as *Quodlibet* XIV. On the other hand, as Pelzer has pointed out, in a manuscript dating from the first half of the fourteenth century (Vat. lat. 12995), certain remarks by a Brother Bertram of Alen, a Franciscan, refer to it at times as the *longa quaestio post 9 Quodlibet* (meaning after *Quodlibet* XIII since Godfrey's first four *Quodlibeta* were often not included in collections of his *Quodlibeta*), and at times as *illa quaestio disputata post 9 Quodlibet*, meaning thereby the disputed question after *Quodlibet* XIII. In sum, concludes Pelzer, it seems that in the first half of the fourteenth century, and probably from the beginning (which seems debatable to me), it was known as the "long question" or as the "disputed question" which comes after *Quodlibet* XIII.¹⁰

Pelzer also notes that after comparing the literary structure (*facture littéraire*) of two of the three Ordinary Disputed Questions of Godfrey which Lottin had edited in volume 14 of *Les Philosophes Belges* with *Quodlibet* XIV, he had written to Pelzer to this effect: "je me suis convaincu que le bloc de questions de ce *Quodlibet* XIV relatif à la justice legale, est une *quaestio disputata*."¹¹

¹⁰ PB 14.223-4.

¹¹ PB 14.224. Some years later, in his *Psychologie et morale aux XII^e et XIII^e siècles* IV, 3.2 (Louvain-Gembloux 1954), pp. 597-8, n. 2, O. Lottin describes it as "un ensemble de questions disputées sur certaines vertus, de date incertaine . . ."

Glorieux himself was also puzzled about the true literary nature of *Quodlibet* XIV. Thus in 1925 in his *La littérature quodlibétique* he refers to Godfrey's opening remark in this disputation (which we shall examine below) in order to show that on this occasion he was overwhelmed (*debordé*) and that in fact it was not really Godfrey who was conducting this disputation but rather that its course was being guided by those posing objections.¹² And writing in 1935 in volume 2 of this same work, Glorieux again cites the same text from Godfrey, this time to show that in quodlibetal disputations the questions were posed by others in attendance and not by the presiding Master. Hence he still regarded it as a *Quodlibet*.¹³

But a few years later, in an article written in 1939, Glorieux acknowledges both the testimony of manuscripts where it is joined with Godfrey's other *Quodlibeta* and presented as one of them, and the witness of Bertram of Alen noted above that refers to it as the "long question" or as the "disputed question" which (is placed) after *Quodlibet* 9 = 13.¹⁴ Now he writes that the structure of *Quodlibet* XIV would make one inclined to accept the second view (that it is a disputed question rather than a *Quodlibet*). But Glorieux also recognizes that this does not resolve the issue since whether taken as a *Quodlibet* or as a disputed question, it is not a normal example of either genre.¹⁵ It is not normal as a *Quodlibet* because one finds in it neither the structure (*facture*) nor the literary presentation characteristic of Godfrey's other *Quodlibeta* or of this literary genre. It is not normal as a disputed question because it includes many problems that are in some way related, something which is not the rule in those scholarly disputations.¹⁶ And so Glorieux wonders whether it is not some new kind of disputation, such as the *Sorbonica* would have been, or at least an attempt of this kind.

In his *Aux origines de la Sorbonne. I. Robert de Sorbon*, published in 1966, while briefly describing the *Sorbonique*, Glorieux observes that, if this kind of disputation was already established by 1315 and by then extended to Bachelors of Theology who were not members of the Sorbonne (according the student notebook of Prosper of Reggio

¹² See Glorieux I, p. 23.

¹³ See Glorieux II, p. 38.

¹⁴ See P. Glorieux, "Notations brèves sur Godefroid de Fontaines," *RTAM* 11 (1939), pp. 168–73.

¹⁵ *Ibid.*, pp. 170–1.

¹⁶ *Ibid.*

Emilia who cites this among his different official acts as a Bachelor), its institution should go back some decades earlier. Perhaps, he suggests, disputes such as Godfrey's *Quodlibet* XIV and Gonsalvus of Spain's single *Quodlibet* are examples.¹⁷

However, in light of descriptions of the *Sorbonica* by Bazàn and, for that matter, by Glorieux himself as well as by Thurot, it seems unlikely to me that Godfrey's *Quodlibet* XIV corresponds to this kind of disputation. As Bazàn sums up earlier findings by Thurot and Glorieux and the *Statutum de disputationibus in collegio Sorbonae habendis* of 14 November 1344,¹⁸ it seems that the *Sorbonica* was originally organized for the summer "vacation" period so that students would continue to be occupied, and that it was held on Fridays. But in 1344 its practice was extended to the entire academic year, and it was shifted to Saturdays. Moreover, as Glorieux points out, by 1312 its exercise had become mandatory since it is listed at that date among the scholarly exercises required of Prosper of Reggio Emilia.¹⁹ The Prior (of the Sorbonne), who was himself a student,²⁰ would preside over the disputes held from the Feast of Sts Peter and Paul (29 June) until the Feast of the Nativity of the Virgin Mary (8 September). Once this disputation was extended to the entire academic year, the Master of Students (also a student) would preside over the disputes from 8 September until 29 June. The disputes under the presidency of the Master of Students were instituted and regulated in 1344 by rules which, Thurot believes, were analogous to those previously followed for disputations conducted under the presidency of the Prior of the House. The Master of Students was obliged to assemble for the entire year (after 1344) questions relating to all of the chapters of the *Sentences*. These questions were to differ from those which had been disputed during the previous year. Fifteen days

¹⁷ See P. Glorieux, *Aux origines de la Sorbonne. I. Robert de Sorbon* (Paris 1966), pp. 131–2.

¹⁸ For Bazàn see "Les question disputées, principalement dans les facultés de théologie," in Bazàn et al. *Les questions disputées*, pp. 106–8. For the Statute of 1344 see *CUP* II, no. 1096, pp. 554–6. For his interpretation of this Bazàn closely follows and quotes at some length the résumé offered by C. Thurot, *De l'organisation de l'enseignement dans l'Université de Paris au moyen-âge* (Paris 1850), pp. 131–2. See also Glorieux, "L'enseignement au moyen âge. Techniques et méthodes en usage à la Faculté de Théologie de Paris, au XIII^e siècle," *AHDLM* 35 (1968), pp. 134–6; *Aux origines de la Sorbonne* I, pp. 131–2, 142–3.

¹⁹ Glorieux, "L'enseignement au moyen âge," pp. 134–5.

²⁰ *Ibid.*, p. 136.

in advance he would assign one question to a *respondens* and to an *opponens*. As noted, after 1344, these disputes were to take place every Saturday. The least senior fellow of the Sorbonne (also a student) would be the first *respondens*. And the *respondens* on one Saturday would become the appointed *opponens* for the following Saturday. In presiding over the disputations, the Master of Students would be expected to clarify or eliminate misunderstandings that might arise between the disputants.²¹

The *respondens* could only pose three theses or conclusions, supporting each with one citation and one argument. To allow time for others to participate the official *opponens* could pose no more than eight objections, and each of the others who chose to intervene was limited to no more than three objections. Immediately after the official *opponens* had offered his arguments, others could also offer objections beginning with the Master of Students, followed by the Prior, the Masters in Theology who were present, if they chose to intervene, and then the Bachelors of the *Sentences* (*sententiarii*), then the *cursores*, and finally the fellows of the House (those holding burses) according to seniority. Moreover, the Master of Students could permit outsiders to attend.²² At the end, the official *respondens* would offer his determination and conclusion.²³

Bazàn concludes his description of the *Sorbonica* by noting three differences between it and ordinary disputed questions. First, the principal participants in this disputation, i.e., the person presiding over the disputation (either the Master of Students or the Prior of the House), the official *respondens* and the official *opponens*, were all Bachelors, whereas ordinary disputed questions and, one may add, University quodlibetal disputations, were directed by a *Magister*.²⁴ Second, Bazàn notes that we do not have documentation proving that the *Sorbonica* involved two distinct sessions, as was true of ordinary disputed questions and, I would again note, also of *quodlibeta*. Third, the Statute of 1344 indicates that there was to be a close connection between the *Sorbonica* and the various distinctions of Peter

²¹ Bazàn, "Les question disputées," p. 107, quoting Thurot, *De l'organisation*, pp. 131–2, who is following the Statute of 1344 (*CUP* II, no. 1096, pp. 554–6).

²² Bazàn, "Les question disputées," p. 108, quoting Thurot, *De l'organisation*.

²³ Glorieux, "L'enseignement au moyen âge," p. 136.

²⁴ Bazàn, "Les question disputées," p. 108, and *CUP* II, no. 1096, p. 555: "Item, voluerunt quod immediate post principalem opponentem arguat magister studentium, denique prior domus, deinde magistri in theologia, si eis placeat arguere . . . etc."

the Lombard's *Sentences*. Again, this is not characteristic of ordinary disputed questions or of *quodlibeta*.²⁵ To this I would add a fourth characteristic as indicated by the Statute of 1344 and as also verified by some mid-fourteenth and fifteenth century surviving incomplete abstracts of such disputations, namely that the official *respondens* was limited to three conclusions, each supported by one citation and one argument, and without corollaries.²⁶

As for Godfrey's *Quodlibet* XIV, as will be seen more fully from what follows below, it does not clearly meet these four requirements for a *Sorbonica* disputation. First of all, it is evidently not directed by a Bachelor but by a Master, that is to say, by Godfrey himself. Secondly, it is clear from remarks made in the text of *Quodlibet* XIV that it refers back to a previously conducted oral session. Hence it seems very likely that it reflects a second day's session where Godfrey offered his formal determination. Moreover, it is clearly *his* determination and not that of a responding Bachelor, although on occasion he makes some reference to the *respondens*. Third, so far as I can determine, there is no clear relationship between *Quodlibet* XIV and the *Sentences* of Peter the Lombard. Finally, there is no evidence in the text of *Quodlibet* XIV to indicate that the *respondens* was restricted to three theses or conclusions, with each based on one citation and one argument. In sum, therefore, it seems unlikely to me that Godfrey's *Quodlibet* XIV is an early version of the *disputatio sorbonica*.

But this leaves us with our question unanswered: What kind of disputation was Godfrey's *Quodlibet* XIV? Glorieux has shown in various studies that it is often helpful to look for a definite organizing plan when one is attempting to determine whether or not a given set of questions constitutes a *quodlibet* or some other kind of disputed question. He has singled out as many as five different organizing plans which he has discerned in investigating various *Quodlibeta*: (1) the *Quodlibet ordinaire*, where the Master simply indicates without any

²⁵ See the Statute: "quod quaestiones magnas, theologicas et utiles juxta textum libri Sententiarum, de una distinctione unam, et alia aliam, sic totum librum sine interpolatione distinctionum decurrendo, eligat diligenter, sic quod unius anni quaestiones non sint eadem cum quaestionibus subsequentis vel etiam praecedentis" (*CUP* II, no. 1096, p. 554); Bazàn, "Les question disputées," pp. 108-9.

²⁶ *CUP* II, no. 1096, p. 555. See Glorieux, "L'enseignement," p. 136 for the observation that we do not have complete abstracts (*relevés*) of these disputations, but also for references to texts from a Toulouse MS of 1409, another from Peter d'Ailly, and another from John of Falisca where one does find the authorized three conclusions.

theoretical justification the general headings or categories under which he is now placing the questions which were originally disputed in haphazard fashion; (2) the *Quodlibet ex abrupto*, where even this simple listing of appropriate general headings and divisions and subdivisions is missing from the text, even though the Master has in fact imposed an organizing plan without identifying it for the reader; (3) the *Quodlibet* with an Introduction, where the Master gives not only the general headings for his divisions and subdivisions as in the first type, but also offers some kind of theoretical justification for these (Glorieux mentions Godfrey's *Quodlibeta* IV, V, VI, and IX among these, and I have suggested elsewhere that one might also include his *Quodlibeta* I, III, and possibly VII and VIII here);²⁷ (4) the *Quodlibet* with a Summary, where the Master presents not only the main general headings which he will eventually subdivide into the individual questions, but also develops at the beginning the complete set of divisions and subdivisions of the particular questions;²⁸ (5) the *Quodlibet* with a Prologue, where the Master introduces the quodlibetal disputation with a literary flourish, often by citing a text from the Fathers or from Scripture, and after this moves on to the main divisions and subdivisions of the questions.²⁹

Accordingly, when one searches for the organizing plan for a given set of questions, one may find in a given case that the Master has imposed such a plan without telling the reader about it. Here we have what Glorieux has dubbed the *Quodlibet ex abrupto* (class 2 above). As we have already noted, Glorieux had suggested that Godfrey's *Quodlibet* XIV and Gonsalvus of Spain's *Quodlibet* I might both perhaps be early examples of the *Sorbonica*. I have already mentioned my reservations about this in the case of Godfrey's *Quodlibet* XIV.

As for Gonsalvus's *Quodlibet*, it seems to me that here one can clearly discern an organizing plan, even though Gonsalvus himself never explicitly points this out, and hence, to use Glorieux's terminology, a *Quodlibet ex abrupto*. Thus with respect to the ten questions

²⁷ Wippel, "Quodlibetal Questions," p. 169.

²⁸ Glorieux quotes at some length from the then unedited *Quodlibet* III of James of Viterbo to illustrate this ("Le *Quodlibet* et ses procédés rédactionnels," *Divus Thomas* [Piacenza] 42 [1939], pp. 79–80). For the full text of this lengthy Introduction now see *Jacobi de Viterbio O.E.S.A. Disputatio Tertia de Quodlibet*, ed. E. Ypma (Würzburg 1973), pp. 1–6.

²⁹ For all of this see Glorieux, "Le *Quodlibet* et ses procédés rédactionnels," pp. 76–83.

into which Gonsalvus's alleged *Quodlibet* is divided, the first two have to do with God: q. 1: "Utrum relatio habeat ideam in Deo"; q. 2: "Utrum per actionem Dei ad extra possit probari Deum esse infinitae virtutis."³⁰ Then, without telling the reader, Gonsalvus turns to the remaining questions, each of which has to do with created being. So this is his major division, between questions dealing with God and questions dealing with creatures. Under questions dealing with created beings, two have to do with material beings, i.e., q. 3: "Utrum materia conferat ad esse compositi," and q. 4: "Utrum in materia sit aliqua forma quae numquam corrumpitur."³¹ The remaining questions all deal with the actions or operations of created beings, human beings (qq. 5, 6, 9, 10, 11) and angelic beings (qq. 7, 8), although the two questions concerning angelic operation inserted within those dealing with human actions seem to be slightly out of place.

And so concerning human action he asks: q. 5: "Utrum ponentes beatitudinem in voluntate et alii ponentes eam in intellectu ponant idem realiter"; q. 6: "Supposito quod voluntas efficiat actum suum in se, quaeritur utrum principalius attingat obiectum sub illa ratione qua elicit actum suum quam sub illa qua ipsum recipit"; q. 9: "Utrum intellectus possit intelligere actum voluntatis"; q. 10: "Utrum intellectus noster possit intelligere singulare directe dum est coniunctus"; q. 11: "Utrum virtutes morales sint in appetitu sensitivo."³² And concerning angelic operations he asks: q. 7: "Utrum angeli superiores intelligant per species magis universales"; q. 8: "Utrum angeli damnati videant occultas cogitationes."³³

While it seems to me that the two questions concerning angelic operations should either precede or follow those concerning distinctively human activity rather than be included within them, an organizing plan is clearly recognizable here. This is especially interesting since, according to the editor of these questions, in the single manuscript in which they are contained they appear in the midst of a longer series of disputed questions as if all formed one whole set of questions, that is, qq. 9–18, with an additional question whose title needs to be inserted into the *tabula* provided at the end of the codex.

³⁰ See *Fr. Gonsalvi Hispani O.F.M. Quaestiones disputatae et de Quodlibet*, ed. L. Amorós (Ad Claras Aquas, Florence 1935), pp. 389, 394.

³¹ *Ibid.*, pp. 396, 397.

³² *Ibid.*, pp. 400 (q. 5), 401 (q. 6), 416 (q. 9), 418 (q. 10), 422 (q. 11).

³³ *Ibid.*, pp. 403 (q. 7), 411 (q. 8).

However, the scribe has inserted before q. 9 [= q. 1 of the *Quodlibet*] this remark: "Hee X questiones sunt de [Quolibet]." ³⁴

Hence it seems clear that, given the presence of an organizing plan for these particular questions, one can easily recognize it as a *Quodlibet* (as the scribe's insertion at the end indicates), and that there is no need to regard it as possibly an early version of the *Sorbonica*. Rather, to use Glorieux's proposed terminology, it seems to be a *Quodlibet ex abrupto*.

This brings us back to Godfrey's *Quodlibet* XIV. On the one side, the manuscript evidence identifying it as a *Quodlibet* is strong, much stronger, for instance, than that offered by Amorós for identifying Gonsalvus's questions as forming a *Quodlibet*. This we have seen above. Moreover, this *Quodlibet* often appears along with manuscript collections of Godfrey's other *Quodlibeta*, and especially of *Quodlibeta* V–XIV. Finally, it also seems to be included in the University stationer's lists of 1304 mentioned above along with Godfrey's other *Quodlibeta* (V–XIII), although it is not explicitly mentioned as such just as the others are not. As Pelzer has cleverly shown, this conclusion follows from the number of *peciae* (82) indicated in the list of 1304, which corresponds to the number present in at least two Vatican manuscripts containing those same *Quodlibeta* (V–XIV). ³⁵ The important implication for our purposes here is that *Quodlibet* XIV was regarded as a Godfridian *Quodlibet* in all three manuscripts as well as in the University of Paris stationer's list. But on the other side, as we have noted above, there are also the fourteenth century manuscript references to it as the long question that comes after *Quodlibet* IX, that is, after *Quodlibet* XIII, or as the long disputed question.

I

The next logical step therefore seems to be to search for an organizing plan for *Quodlibet* XIV. If it really is a *Quodlibet*, it should have some such plan. It should be recalled that organizing plans are clearly

³⁴ Ibid., pp. lvi–lviii.

³⁵ See PB 14.237–42. He sums up his research on *Quodlibeta* V–XIV as contained in three Vatican manuscripts: Borghese 301 (82 *peciae*), Borghese 302 (83 *peciae*), and Vat. lat. 1032 (82 *peciae*) which is the manuscript he is here describing in detail.

evident in Godfrey's other *Quodlibeta*. Not only does this apply to *Quodlibeta* V–XIII, but also to the *reportationes* we have for *Quodlibeta* I–IV, and to the *abbreviationes* for *Quodlibeta* III and IV. It also applies to Godfrey's final *Quodlibet*, *Quodlibet* XV. This is significant because it indicates that at the end of his career as a Regent Master, Godfrey had not abandoned his usage of organizing plans. In fact, to illustrate this, it may be helpful here to consider the plan he uses in *Quodlibet* XIII, and hence in the one that immediately precedes *Quodlibet* XIV.

Godfrey begins *Quodlibet* XIII by observing that certain questions were raised concerning the science of theology in itself (*secundum se*), and others concerning those things with which the science of theology deals. These, therefore, are the two main divisions Godfrey imposes on the many questions raised on the first day of this quodlibetal disputation. Concerning the first member of this twofold division— theology considered in itself—Godfrey notes that one question was raised: "Utrum scientia theologiae sit scientia speculativa" (PB 5.169). Then, at the beginning of his q. 2, Godfrey notes that concerning his second main division—those things with which theology deals—certain questions were raised pertaining to Christ in terms of his human nature, and certain things having to do with pure creatures. Concerning the first of these only one question was raised, that is, q. 2: "Utrum Christus fuerit mortuus vere" (PB 5.187).

Next, at the beginning of q. 3, Godfrey writes that concerning pure creatures certain questions were raised about created substances in general, others about intellectual angelic creatures, and still others about rational human nature. Concerning the first of these only one question was raised, that is, q. 3: "Utrum aliqua substantia creata per se ipsam absque aliquo alio sibi addito possit esse principium immediatum alicuius operationis et praecipue transeuntis extra" (PB 5.190). Concerning the second of the above subdivisions—angelic nature—one question was also raised, that is, q. 4: "Utrum posset fieri quod angelus aliquo modo simul esset in pluribus locis" (PB 5.213).

But as Godfrey indicates at the beginning of his q. 5 (PB 5.222), concerning rational human nature or human beings, four questions were raised concerning prelates: the first, pertaining to the Pope, asks whether, if a dangerous case arises which threatens the Christian faith and which therefore requires the assistance of certain men who whether through seizure or usury or other unjust means hold

certain goods which should be restored to their owners, the Pope can dispense them so that they are not bound to restore those goods but rather, while living from them, they may assist in meeting the common necessity of the Church. While this is the subject-matter of q. 5 (PB 5.222–29), Godfrey goes on in this same immediate context to list all four questions concerning prelates. The second, concerning intermediary prelates, that is, bishops, asks whether if some cleric, having attained a parish church, does not have himself promoted to orders within a year and nonetheless retains that church and receives fruits from it, can retain those fruits or, if perhaps he transfers them to some *collegium* for religious, whether those religious can retain such fruits. The third question asks whether, if neither that cleric nor such religious are able to retain such fruits on their own authority and by their own right, the bishop can dispense them so that they may. The fourth question asks whether a parish priest who has a domicile and a fief (*feudum*) within the parish of another parish priest because of which he pays tithes from flocks and fruits of the earth, must also receive the sacraments from that priest to whom he pays the tithes. Godfrey deals with the second issue in q. 6 (PB 5.231) but offers there only an argument *pro* and an argument *contra* without giving his own response. However, in q. 7 (see PB 5.231–32), while dealing with the third question, Godfrey also responds to the second. And in his q. 8 he considers the fourth question (PB 5.236–49).

Next, with reference to questions pertaining to human beings in general rather than to prelates, at the beginning of q. 9 Godfrey observes that certain questions were raised pertaining to virtuous acts by which a human being is perfected morally, and others pertaining to precepts. Concerning the first point, two questions were raised: (1) whether it is more praiseworthy for someone to conduct himself well in times of prosperity than in times of adversity; (2) whether to live on what one receives from another is an indication of moral perfection or moral weakness. Godfrey considers the first question in q. 9 (PB 5.251), and the second in q. 10 (PB 5.257).

At the beginning of q. 11 Godfrey comments that, concerning precepts, certain questions were raised pertaining to the obligation they impose, others having to do with the mode of observance they require, and others pertaining to things opposed to precepts, that is, sins. Concerning the first of these, one question was raised: Whether an obligation based on a precept or on a vow is greater and more

efficacious. Godfrey takes this up in q. 11 but presents only an argument for one side and then an argument for the other, without offering his determination (PB 5.268–69). But then, in q. 12, he considers another question which he must have regarded as related to the previous one and also presents there his answer to the question he had left unanswered in q. 11. As regards the related question he addresses in q. 12, this has to do with a complicated situation concerning whether someone who knows some art by means of which he could satisfy some debt that he owes, having entered a religious order and been professed therein and thereby rendered unable to exercise his particular art, is bound to leave his religious state in order to pay off the debt by exercising his art (PB 5.269). Only after having resolved the question raised in q. 11 does he then address the second question as well (see PB 5.273ff.).

In q. 13 Godfrey notes that one question was raised with respect to precepts concerning the mode of observance they require, namely, whether someone who observes some precept of the Decalogue out of fear of temporal evil or out of love for some temporal good thereby sins (PB 5.276).

Then at the beginning of q. 14, concerning things that are opposed to precepts, that is, sins, Godfrey indicates that five questions were raised. These correspond to the remaining questions in *Quodlibet* XIII: q. 14: Whether someone who lends a sum of money to a bishop in the hope of obtaining an ecclesiastical benefice is guilty of simony and therefore bound to give up the benefice if he does receive it (PB 5.281); q. 15: Whether ownership is transferred to someone who receives money through usury (PB 5.286); q. 16: Whether someone who is appointed as a procurator to obtain an ecclesiastical benefice for someone else but instead procures it for himself thereby sins (PB 5.297); q. 17: Whether, if certain subjects of a lord who is waging war, even though they have not been called to arms by that lord, mix in with his army and seize some of the enemy's goods, may retain those goods or are bound to return them, and if so, to whom (PB 5.298); q. 18: Whether someone who selects a burial site and affirms by oath that he will not revoke this can change his decision without breaking the oath (PB 5.300).

As regards Glorieux's five classes of organizing plans, it is often difficult to discern any great difference between Plan 1 and Plan 3. Among other Godfridian *quodlibeta* Glorieux has included *Quodlibet* V under Plan 3. Since *Quodlibet* XIII's organizing plan is very similar

to that of *Quodlibet* V, *Quodlibet* XIII may easily be proposed as another example of organizing Plan 3. But more important for our purposes, *Quodlibet* XIII also illustrates how carefully and cleverly Godfrey was able to impose some logical order on a seemingly originally disconnected number of questions ranging over the nature of speculative theology, the death of Christ, the metaphysics of a created substance's ability to act immediately, angels, and then a series of practical questions dealing either with prelates or human beings in general. And so, in the 1296 academic year, or in the 1297/98 academic year according to my proposed redating,³⁶ Godfrey was still deeply committed to developing logical and complete organizing plans for his *Quodlibeta*.

I would also note, if only in passing, that one finds another very thorough and well-organized plan in Godfrey's final *Quodlibet* XV. Again this plan seems to me to fit most comfortably into Glorieux's Organizing Plan 3, that is, what he calls the "*Quodlibet* with an Introduction." This would make it unlikely that Godfrey would not have done the same with respect to the immediately preceding *Quodlibet* XIV, if it really is a quodlibetal disputation.

II

But when we search for the organizing plan for *Quodlibet* XIV, our troubles begin. Godfrey himself opens his written version of this disputation by observing that two questions were raised concerning justice: (1) whether justice is a general virtue distinct from the other moral virtues; (2) whether in addition to justice there is some other general appetitive virtue (PB 5.303). So far so good, since here again we find him dividing the main disputation into two major parts or divisions, just as he done in *Quodlibet* XIII. But then Godfrey makes the following comment:

Circa quas quidem quaestiones inductae sunt quaedam rationes ad materiam ipsarum quaestionum directe pertinentes et veritatem earum principaliter; quaedam autem materiam plurium aliarum quaestionum tangentes et [quae with MS K] propter solutionem illarum inducebantur. Et secundum hoc ea quae inducta sunt ad praesentes quaes-

³⁶ See my *The Metaphysical Thought of Godfrey of Fontaines*, pp. xxiii–xxviii.

tionem tam directe quam indirecte requirunt solutionem multarum quaestionum: proper quod de singulis aliquid est dicendum.

So now Godfrey begins to account to some extent for the wide ranging and even, one might say, the rambling nature of this disputation. With respect to the two main questions he has just identified, he notes that certain arguments (*rationes*) were introduced which pertain directly to the subject-matter of these questions and inquire primarily after their truth. But other *rationes* were raised which touch upon the subject-matter of many other questions and which were introduced in order to help resolve the primary questions. Given this, Godfrey also points out that those things which were introduced which directly bear upon the present questions as well as those that do so only indirectly require the solution of many questions. Therefore something must be said about each of them.

Next Godfrey indicates that he must first consider those matters which pertain more primarily and directly to the present (two) questions. Subsequently those which pertain more to other questions will also be considered (PB 5.303). On the one hand, therefore, Godfrey has offered a kind of connecting thread, tenuous though it may be, to account for his presentation of the many and varied questions of this disputation. On the other hand, rather than suggest that the many subsequent individual questions were raised in haphazard fashion by members of the audience, one gathers that, given the two main questions, many others were raised in connection with arguments (*rationes*) directly relating to those two main questions; but many others were occasioned by arguments which, while offered in support of or against the two main questions, in fact touch on them only indirectly, but are directly related to other issues.

One wonders, therefore, whether many of these additional points were originally phrased as independent questions raised by various members of the audience, as one would expect in a typical quodlibetal disputation, or whether they instead were originally raised as objections and counter-arguments (*rationes*) to the two principal questions, or in some cases to other matters related to them either directly or indirectly. If the latter alternative should prove to be correct, this would suggest that if *Quodlibet* XIV is indeed a quodlibetal disputation, it is a very unusual example of that literary genre.³⁷

³⁷ Pelzer's comment on this is interesting. See PB 14.223 where, after noting and

Before attempting to resolve this, however, we shall first investigate how Godfrey in fact establishes connections between the two main questions and the many other questions or issues which he treats. Because of the unusual way in which he does this in this disputation, this investigation in turn will frequently require us to summarize the doctrinal material he is considering. Regarding the first main question ("Whether justice is a general virtue that is distinct from the other moral virtues"), he comments immediately that four points must be made: (1) that among the acquired political virtues, that is, those that pertain to man's good conduct in relation to himself and to others insofar as such is possible and fitting for him in terms of his natural capacities, some general virtue must be posited; (2) that this kind of virtue is a certain kind of justice; (3) that the general nature of this virtue must be explained; (4) that how it is distinct from other particular virtues must be clarified. Then, he also indicates that, with respect to the second main question, it must be stated that there is some other general virtue and how general virtues of this kind are to be distinguished from one another.³⁸

offering some citations to prove that the disputation did in fact take place (and hence was not a literary fiction), he observes that the whole presents itself as a somewhat confused discussion. He notes that in 1913 he himself had suggested that, as Godfrey was approaching the end of his professional career, some of those attending this quodlibetal disputation used it as an occasion to subject to a new critique many of his particular positions, and that Godfrey responded by defending himself once more. And then he cites in a note the following remark from Glorieux II, p. 42, n. 4: "Il arrive parfois cependant que, par suite d'une assistance assez homogène peut-être, ou de problèmes prenants à l'ordre du jour, ou pour quelque autre raison qui nous échappe, toute une discussion quodlibétique puisse rouler sur des sujets assez voisins (tel, par exemple, le *Quodlibet* XIV de Godefroid de Fontaines qu'on vient de rappeler). Mais ce sera toujours l'infime exception." As Pelzer explains on the following p. 224, subsequently he became aware of the references by Bertram of Alen to Godfrey's *Quodlibet* XIV as the "longa quaestio" or as "illa quaestio disputata post 9 Quodlibet" in Vat. lat. 12995. But then he also notes that in different manuscripts different scribes or readers have distinguished in different ways in the margins or elsewhere either the questions or the conclusions they find in *Quodlibet* XIV. He offers an excellent illustration of the first (26 questions) as found in Vat. lat. 1031 (f. 92r) and of the second (5 articles with a large number of conclusions) in Vat. lat. 1032 (f. 24r). As we shall see, these different ways of summarizing the text reflect an ambiguity within the text itself.

³⁸ "Circa primum primo est declarandum quantum ad primam quaestionem quod inter virtutes acquisitas politicas, id est ad bonam conversationem hominis in ordine ad se ipsum et in ordine ad alios, prout est sibi possibile et conveniens ex naturalibus pertinentes, ponenda est virtus aliqua generalis. Secundo quod huiusmodi virtus est iustitia quaedam. Tertio est declarandum qualis est generalitas talis virtutis. Quarto quomodo est distincta ab aliis virtutibus specialibus. Deinde quantum

Godfrey immediately turns to the first of his four subpoints (PB 5.303–05). As he sums this up at the end of this section, since it is praiseworthy for someone to be well disposed with respect to his passions and operations in relation to himself and in relation to others taken as individual determined persons, it is even more praiseworthy for such a person to be fittingly disposed with reference to his passions and operations insofar as they are ordered to the common good. The habit (or virtue) that so disposes someone is not as particular (*specialis*) as the others but is general both by reason of its subject-matter and by reason of its end. This is so because it does not determine a particular matter for itself as do the other virtues. Rather it uses the matter and the acts of all of the particular virtues as its matter. Its end is so general as to embrace the good of the whole community or of everyone belonging to the community. And the acts of the other virtues are ordered to it.³⁹

In addressing his second subpoint Godfrey concludes that the kind of general moral virtue he has in mind cannot be identified with fortitude or with temperance or with any virtue attached to or reducible to them. It can only be justice, not every kind of justice, to be sure, but legal justice (PB 5.305–07). It is interesting to note that, in the course of defending this position, Godfrey rejects the view that this virtue must reside in the will as in its subject because, as he has shown elsewhere, no moral political virtue can be posited in the will.⁴⁰ He will return to this point later in this same disputation.

In turning to the third subpoint, Godfrey distinguishes four different ways in which the term “justice” may be understood. First, it may

ad secundam quaestionem est declarandum quod est quaedam alia virtus generalis et quomodo ab invicem distinguuntur huiusmodi virtutes generales” (PB 14.303).

³⁹ PB 5.305. Note in particular: “Et est habitus iste non sic specialis ut alii, sed generalis et ratione materiae et ratione finis, quia non determinat sibi materiam specialem ut aliae virtutes; immo materia et actibus omnium virtutum specialium utitur pro materia; et est finis suus sic communis quod bonum totius communitatis sive omne de communitate comprehendit et ad istum omnes actus aliarum virtutum referuntur.”

⁴⁰ “. . . quia, ut alias est declaratum, nulla virtus politica moralis ponenda est in voluntate; quia, etiam non obstante quod finis vel obiectum principale virtutis generalis est bonum commune sive universale quod apprehenditur a ratione et in quod inclinatur voluntas et non fuerit impedimentum ex parte appetitus sensitivus, tamen virtus quae disponit appetitum ad hoc quod prompte et firmiter eliciantur operationes per quas bonum huiusmodi attingitur erit in appetitu sensitivo, quia ex parte eius contingit huiusmodi impedimentum ne voluntas in illud secundum quod dicat recta ratio prompte et firmiter inclinetur” (PB 5.306).

be taken as *rectitudo*. Thus as Anselm describes this in his *De veritate*, c. 12: *iustitia est rectitudo voluntatis propter se servata*.⁴¹ But Godfrey points out that when justice is taken this way it does not refer to a habit or virtue that is essentially one nor to one that perfects a person in determined fashion with respect to acts ordered to another person; rather it applies to all of that person's acts insofar as they are in accord with right reason. Therefore it is general only in the order of predication, but in fact is essentially identical with any particular virtue in the way a genus is essentially identical with each of its species (PB 5.307).

Second, it may be taken as a habit according to which someone is perfected so as to perform operations in fitting fashion which pertain to one person as ordered to another. So understood, justice is still not one in essence but is general or universal in the order of predication, not by univocal predication, however, but by analogical or equivocal predication (PB 5.307–08).

Third, justice may also be understood as a habit by which someone is perfected so as to perform fittingly operations which are ordered to someone else, not to anyone taken undeterminedly, but to a particular and determined person who has a relationship to what is done either in terms of mutual exchange or in terms of distribution of benefits, in other words, in terms of commutative justice or in terms of distributive justice. In either case, Godfrey points out, the justice in question is indeed one in terms of its specific essence and therefore is a particular, i.e., a specific virtue (*virtus specialis*), like fortitude or temperance, but not general in the sense he has in mind (PB 5.308).

Finally, he continues, justice may be taken as a habit according to which someone is perfected so as to perform in fitting fashion all things whose use can be directed to the common good and to the good of all things pertaining to the community with respect to a common good of this kind. When taken in this way, justice is one virtue according to its essence and has a form and species according to which it is essentially distinguished from every other virtue (PB 5.308). It is not general in the order of predication, nor merely

⁴¹ PB 5.307. Here Godfrey cites Anselm literally: "Voluntas ergo illa iusta est, quae sui rectitudinem servat propter ipsam rectitudinem . . . Iustitia igitur est rectitudo voluntatis propter se servata." See *S. Anselmi Cantuariensis Archiepiscopi Opera Omnia*, ed. F.S. Schmitt, vol. I (Stuttgart-Bad Cannstatt 1968), pp. 194.23–6.

in efficacy and power like a cause which is universal in the sense that it can produce many effects. Rather it is also general by reason of a unity based on a kind of aggregation and on the fact that it contains many things in the manner of an integral whole, that is, as a whole that contains many parts. In this case its object includes the community of human beings for whom it wills and does what is good, and the community of goods which it wills and does for them.⁴² And so, as Godfrey also explains, when taken in this fourth sense, justice is a general virtue because in a certain way it unites many different things by including many virtues and by using them. Among the natural moral virtues it alone does this because it has as its end and its principal object the common good to which the acts of all the other virtues can be ordered (*referribiles*). The matter and the acts of all the other virtues serve as the subject-matter for this general virtue, that is, for legal justice.⁴³

Godfrey then develops his fourth subpoint, that is, his understanding of the distinction between this general virtue (legal justice) and all the other virtues (PB 5.310–17). To put this briefly, he reasons that this distinction is clear by reason of the matter or the object with which this virtue deals. While every other virtue has some particular subject-matter, this virtue has as its material object the matter and the act of each particular virtue, and has no separate operation apart from the matter and the acts of the particular virtues. In the course of this discussion he cites frequently from Aristotle's *Ethics* V. According to Godfrey there is a real (*realem differentiam*) and an essential distinction (*essentialiam differentiam*) between legal justice and all of the particular virtues.⁴⁴ For Godfrey, therefore, and on his reading, for Aristotle, legal justice is to be regarded as the unique truly general natural moral virtue and as the most excellent (*praeclarissima*) virtue. In this same context he considers and rejects an effort, presumably by James of Viterbo, to propose friendship

⁴² PB 5.308–9. On this see M.S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford 1999), pp. 221–2.

⁴³ Note in particular: "Est ergo huiusmodi virtus generalis virtute et huiusmodi aggregatione multorum in quantum quodam modo in se omnes virtutes comprehendit et eis utitur; quod convenit ei soli respectu aliarum virtutum praedictarum in quantum pro fine et obiecto principali habet bonum commune ad quod actus omnium aliarum virtutum sunt referribiles. In hoc enim materia et actus omnium aliarum virtutum sunt huic virtuti etiam pro materia" (PB 5.309).

⁴⁴ See PB 5.311–12. Also see Kempshall, *The Common Good*, pp. 223–6.

as another general moral virtue and as the most excellent (*praeclarissima*) virtue (PB 5.314–15). But he takes up this issue in greater detail in addressing the second main question of this disputation.

III

And so at this point, under a heading introduced by the editors as Question II, Godfrey returns to the second principal question he had originally raised at the beginning of this disputation: “Whether in addition to [legal] justice there is some other general appetitive virtue” (see PB 5.303). He now remarks that according to Aristotle’s approach there is no other general or more perfect (moral) virtue than legal justice. Moreover, according to Aristotle, no other general virtue known as friendship is to be admitted, even though some seem to hold this. Here as mentioned above, Godfrey apparently has in mind James of Viterbo although, according to accepted practice, Godfrey always leaves him unnamed. Godfrey maintains that his second point will be clear if one considers what Aristotle himself says about friendship (PB 5.320).

Thus, in order to cast additional light on the second major question, Godfrey proposes to determine two points: (1) whether friendship properly speaking is a virtue; (2) in what way some kind of friendship can be a general virtue. As these two points appear in Godfrey’s text, both could be taken as questions, and hence as subquestions under the second major question. But it is not clear from the text whether these two subquestions were raised by Godfrey himself in order to clarify the main question, or whether they were originally raised by other participants at the disputation (as one would expect at a quodlibetal disputation).⁴⁵

With respect to the first subquestion, Godfrey comments that it seems to some that, according to Aristotle, friendship is not really a virtue but rather something that follows from virtue both on the side of the one who loves and on the side of the one who is loved. In support they argue that virtuous friendship for the sake of the *bonum*

⁴⁵ “Ut autem plenius intelligatur si praeter iustitiam est aliqua alia virtus appetitiva generalis, quia si aliqua est talis, illa est aliqua amicitia quae etiam iustitiae magis assimilatur, considerandum est primo si amicitia proprie possit esse virtus; et deinde quomodo potest aliqua amicitia esse virtus generalis” (PB 5.320).

honestum seems to be present in one who loves because it is through virtues which are identical with the *bonum honestum* itself and habitually present that such a person's appetite is fittingly disposed to be ordered and inclined to every *bonum honestum* and therefore to love someone because of the *bonum honestum* present in that person. In support defenders of this view interpret in disjunctive fashion Aristotle's remark at the beginning of *Ethics* VIII, c. 1: "a discussion of friendship would naturally follow since it is a virtue or is with virtue" (1155a3–4). In other words, they would accept this as applying only to the second part, understanding thereby that friendship is not really a virtue distinct in essence from other virtues, but that it comes "with virtue" because it presupposes the good of virtue and follows from it.⁴⁶

Godfrey disputes this reading of Aristotle's text and rather holds that the disjunction has the force of a copula and that the statement is verified in both parts, meaning both that friendship truly is a particular virtue distinct from the other virtues, and that it is realized with other virtues which it presupposes in friends. Basing himself on some other citations from Aristotle's *Ethics* VIII, Godfrey goes on to develop his view that according to Aristotle there is a certain kind of friendship which is a distinct and particular virtue.⁴⁷

Godfrey insists that the virtue of friendship is not universal by reason of the universality of its object or its principal end. This is so because it does not look to the good of the many or the community, but only to the good of one or of a few. In support he recalls Aristotle's view in *Ethics* VIII that one cannot enjoy perfect friendship with many different individuals (PB 5.322). Bonnie Kent has pointed out that throughout much of this discussion Godfrey sharply criticizes the view of James of Viterbo as set forth in the latter's *Quodlibet* III, q. 21, especially his claims that friendship is a distinct and universal virtue along with justice, and that some moral virtues, i.e., justice and friendship, reside in the will.⁴⁸

⁴⁶ "... scilicet quod amicitia proprie non est virtus secundum essentiam ab aliis distincta, sed est cum virtute quia bonum virtutis exigit et illud sequitur... (PB 5.320). The Latin translation of Aristotle's text published with Aquinas's Commentary reads as follows: "Post haec autem de amicitia sequitur utique pertransire. Est enim virtus quaedam vel cum virtute" (ed. Leonine, 47.2, pp. 441.3–4).

⁴⁷ PB 5.320–1. On this see Kempshall, pp. 226–7.

⁴⁸ See B. Kent, "Justice, Passion, and Another's Good: Aristotle Among the Theologians," in *Nach der Verurteilung von 1277*, Aertsen, Emery, and Speer, eds., pp. 716–17 (see pp. 710–13 on James). For James see his *Disputatio Tertia de Quodlibet*, ed. Ypma cit., pp. 252–8.

Godfrey offers repeated arguments to show that according to Aristotle, there is a certain kind of friendship which is truly and properly a virtue which is essentially distinct from the others (see subquestion 1), and against James' claim that it is a general virtue (see subquestion 2).⁴⁹

Still following Aristotle's *Ethics* VIII, Godfrey recognizes that there are other kinds of friendship when this term is taken broadly, which are based on some special kind of relationship between persons, such as that of parents to children and of children to parents, or of husband to wife, and more generally, of one who commands to one who is commanded. But these are not examples of friendship taken in the strict sense and more properly pertain to some particular kind of justice. None of them can claim to be a truly general virtue in the way in which legal justice is (PB 5.325). He repeatedly makes the point that the only kind of friendship which is friendship in the strict and proper sense and perfectly distinct from justice is that whereby one person is loved, or if more than one, only a few, and which requires a certain equality between the one who loves and the one who is loved. Therefore, according to Aristotle, the only truly general moral virtue is legal justice (PB 5.326–27).

Godfrey also recognizes that according to Christian faith there is a special kind of association (*communicatio*) of spiritual substances and human beings between themselves and with God, in which the blessed participate perfectly and the faithful on earth only imperfectly. This virtue truly is a kind of friendship, i.e., *caritas*, and is very different from general or legal justice. It is a theological (and infused) virtue and has as its principal object a determined intellectual person—God himself. But it can also be called general insofar as it is directed to the entire community for the sake of God himself. Needless to say, it differs greatly from the contemplation enjoyed by philosophers, and also differs greatly from legal justice which rather deals with the common good in terms of what is possible to human beings in the present life by using their purely natural powers (PB 5.327–30). And so he insists again, undoubtedly against James of Viterbo, that

⁴⁹ PB 5.324–5. Also see Kempshall, *The Common Good*, pp. 226–7. He, too, points out that Godfrey is attacking James's position. Although he apparently did not have access to James's views, R. Egenter offers an interesting account of Godfrey's discussion in *Quodlibet* XIV in his *Gottesfreundschaft. Die Lehre von der Gottesfreundschaft in der Scholastik und Mystik des 12. und 13. Jahrhunderts* (Augsburg 1928), pp. 123–6.

among the natural moral virtues which can be examined by philosophers, legal justice is the only truly general virtue and the most perfect one (PB 5.330).

In sum, therefore, in this section Godfrey has completed his argumentation for the two subquestions under the second principal question of this disputation. As for the first subquestion, he insists that friendship taken in the proper sense can indeed be a virtue, but that when it is so understood it is not a general virtue. Hence it cannot compete with legal justice for the title "most excellent natural moral virtue." As for the second subquestion, there is another kind of virtue which is truly general, but this is not a natural virtue at all, but the infused theological virtue of charity.⁵⁰

IV

In what the editors identify as Section II of this general Question II (PB 5.332), Godfrey develops some further implications following from his consideration of this second main question: Whether in addition to justice there is some other general moral virtue. As just noted, he has already indicated that there is a general supernatural and infused virtue—charity. He now recalls that a general virtue must have the common good as its principal object and end. Since there is no common good to which human beings can look by using their purely natural powers except that which consists in the common interaction of human beings in this life, and since this is the object of legal justice, for those who examine the virtues in the light of natural reason there is no need to posit any other general moral virtue (PB 5.332).

But if one speaks of moral virtue more generally so as to include the practical intellectual virtue that imposes on moral words and deeds their due mode and measure in accord with right reason, one must posit another general virtue that is distinct from legal justice, that is, prudence. But he warns that one should not conclude that there are many kinds of prudence, one general with reference to the one general moral virtue (legal justice), and the others specific (particular) which would deal with the various particular virtues. Rather

⁵⁰ For more on Godfrey's discussion of charity in this context see Egenter, *Gottes Freundschaft*, pp. 125–9.

this virtue is general by reason of the universality of its object and of its consideration since it pertains to it to consider the ends of both the general and particular (specific) virtues and to render right and to direct the acts of all the virtues under one common aspect insofar as they are good or evil for human beings. Accordingly this virtue is more general in its genus than any of the aforementioned virtues.⁵¹ And it is also more excellent than the others both because it views its object in a more general way and because the subject in which it inheres (the intellect) is more excellent than the subject in which the aforementioned moral virtues inhere. For Godfrey and, on his reading, for Aristotle they inhere in the sensitive appetite since, as has already been noted, no moral virtue resides in the will.⁵² Moreover, Godfrey adds that some (infused) practical intellectual virtue should be posited which corresponds to charity and which is as general as charity itself and to which it pertains to attend to the principal object and the common end of charity and to regulate all acts which are ordered to charity (PB 5.332–33).

Here Godfrey introduces an interesting distinction. There is a certain (natural) practical intellectual virtue known as prudence to which it pertains to consider certain universals and particulars about individual actions that are to be performed, not in scientific fashion, however, but more as based on experience. This is the prudence that is connected with the moral virtues and which he has already discussed. But in addition to this there is another intellectual virtue which is not, properly speaking, practical or operative but speculative in the sense that it passes on a knowledge about actions to be performed that is primarily scientific. For this virtue to have an actual bearing on individual actions, a certain knowledge based on experience and a certain practice in exercising moral virtues are also required. In support of this Godfrey recalls Aristotle's remark in *Ethics* I (1095a2–4) to the effect that a young person is not properly suited to study politics because of a lack of experience about the actions that occur in real life. Since this virtue does not of itself ren-

⁵¹ PB 5.332. Note: "... et sic est generalior in genere suo quacumque praedictarum virtutum moralium. Et ideo etiam nobilior et ratione obiecti quod per se respicit quodam modo generaliiori, et ratione subiecti in quo existit quod est dignius subiecto in quo sunt virtutes morales praedictae, quae secundum Philosophum sunt in appetitu sensitivo."

⁵² Ibid. See the text cited in n. 51.

der one sufficiently aware of all that is required for virtuous acts, it is not included under the kind of practical virtue that is divided into art and prudence; rather it is an intellectual virtue and falls under the habit (virtue) of science which is divided into practical science and theoretical science. This, says Godfrey, is the moral science that is taught in Aristotle's *Ethics*, and especially with respect to the particular (*speciales*) moral virtues. This is so, he adds, because there seems to be another science, called *scientia legis positivae*, which seems rather to deal with legal justice (the general moral virtue, of course) and which should be taught in Aristotle's *Politics* (PB 5.333).

Given this distinction, Godfrey applies something similar to the realm of infused virtues. He has already posited a certain infused practical intellectual virtue—an infused prudence—which is directly connected with charity. In addition to this, he now states that another intellectual virtue should be posited which teaches the appropriate mode of understanding charity's primary object and those things that pertain to it. This virtue falls under the (infused) habit of science, not speculative science, however, but a truly and properly practical science which is the science of the faithful and is called theology.⁵³

This final remark enables Godfrey to introduce an excursus about the nature of theology. He begins by referring to two unacceptable positions. Some hold that what is primarily pursued, that is, the end of theology is love of God and yet that, absolutely speaking, theology is theoretical, not practical. Others maintain that while its primary end is indeed love of God, God Himself is the subject of this science, which, they also hold, is not practical but affective. Paul Tihon points out that Godfrey's primary targets in this discussion (as in his earlier treatments of this) are Henry of Ghent as representing the first position and Giles of Rome as defending the second.⁵⁴ But as Tihon also points out, Godfrey seems to leave matters somewhat undecided regarding his personal position. Either there are two distinct theologies, one which considers God in speculative fashion with respect to what pertains to His perfection and renders Him lovable, and another which considers Him from a practical standpoint in terms of love and other virtues by which He is loved

⁵³ PB 5.333. For more on Godfrey's views on infused prudence see P. Tihon, *Foi et théologie selon Godefroid de Fontaines* (Paris-Bruges 1966), pp. 198–9.

⁵⁴ Tihon, *Foi et théologie*, pp. 224–5.

and worshipped. Or there is really one science of theology which, while remaining one in some way, insofar as it is not perfectly one is both practical and speculative, and insofar as it is in some way one, will be either more practical or more speculative.⁵⁵

There is no indication in the text that this brief excursus about the nature of theology was raised by one of the participants in the disputation. It rather seems that Godfrey simply took this occasion to address this topic because it was on his mind. He then summarizes his response to the first major question raised at the beginning. There is a certain virtue (legal justice) which is particular (*specialis*) in one sense in that it is one in species because of the unity of its primary and formal object, and accordingly is essentially distinct from the other virtues. But it is general with respect to the material object with which it deals. This is because the matter and the act of every other particular virtue serves as matter for it. This pertains to it by reason of its principal object—the common good. And this is the end to which the acts of all the other (acquired moral) virtues can be referred. Insofar as this general virtue uses all the other virtues and their acts as its matter, in some way it is also indistinct from the other virtues. Accordingly, one may say simultaneously that in it is every virtue, and that it itself is not a part of virtue but the whole of virtue (PB 5.335).

V

At this point, that is, at the very end of the Section identified as *Quaestio II* by the editors, Godfrey makes the following transitional remark: “Et per praedicta potest responderi ad obiecta inducta ad praedictas quaestiones. Et primo respondendum ad ea quae inducebantur ad primam quaestionem” (PB 5.335). This is most important

⁵⁵ PB 5.334–5. Note in particular: “Propter quod oportet dicere vel quod sunt simpliciter plures et distinctae scientiae, quarum una considerat de Deo speculative quae ad eius perfectionem pertinent, ex quibus nihilominus reddatur diligibilis, ut dictum est; alia vero considerat de Deo practice, scilicet quod considerat de dilectione et de aliis virtutibus et actibus virtutum quibus Deus diligitur et colitur; aut quod scientia aliquo modo realiter una sit considerata talium et illa in quantum non omnino perfecte una, sed aliquo modo plures vere erit practica et speculativa; sed in quantum una vel erit magis principaliter practica vel magis principaliter speculativa.” Cf. Tihon, *Foi et théologie*, pp. 226–7.

for our immediate purposes because it indicates that what follows will be a series of responses to objections raised against the two initial main questions. And, Godfrey indicates, he must first respond to the objections that were raised against the first main question. Hence the heading inserted into the edited version ("Quaestio III: Utrum iustitia legalis sit virtus generalis") is both redundant and misleading. It is redundant because Godfrey has already raised (PB 5.303) and given his answer to the first major question (PB 5.303–17). It is misleading because it gives the reader the mistaken impression that what follows will be the answer to a question which in fact he has already addressed.

Moreover, Godfrey's transition remark increases one's doubt about whether this really is a quodlibetal disputation. If so, one would expect to find many more questions presented precisely as questions raised by those in attendance. Instead, as will be seen below, the remaining (and larger) part of this disputation will rather be presented in the form of a set of responses (1) to objections to the first main question; (2) to objections to the second main question, some of which might also be raised against the first, or vice versa; (3) to arguments (*rationes*) that were raised because of difficulties about certain other questions.

At the same time, this disputation does not fit into the usual pattern followed by Godfrey in surviving versions of his disputed questions, whether these be the three Ordinary Disputed Questions edited by Odon Lottin in volume 14 of *Les Philosophes Belges*, or the abbreviated versions of his other Disputed Questions preserved in two manuscripts, Bruges 491 and Borghese 122, which are only partially edited.⁵⁶ In those cases Godfrey normally follows the usual pattern for a disputed question by proposing a question, and then by offering a series of objections or arguments for one side, often followed by some arguments or authorities for the other, then followed by the corpus (his response to the main question), and finally concluding with his replies to the particular objections. In the present case, however, the objections are only raised now, after the major questions have been answered.

⁵⁶ For Lottin's edition of the three *Quaestiones ordinariae* see PB 14.77–140. For discussion and a listing of the individual abbreviated Disputed Questions which have been edited see my *The Metaphysical Thought of Godfrey of Fontaines*, pp. xxx–xxxiii.

To return to the text of our *Quodlibet* XIV, in the next section of the edited text (and hence according to Godfrey containing his replies to objections raised against the first main question), by my count he considers and responds to thirteen different objections which were raised against his position concerning the first question (PB 5.338–54). While space will not permit me to consider each of these in detail, some comments about some of them may be helpful.

Godfrey's presentation of the first objection is interesting because the objection itself uses an argument originally offered in support of the claim that legal justice is a general virtue in order to arrive at the opposite conclusion. Against the argument that a general operation and concern about a general matter should correspond to a general virtue just as a particular operation and concern about a particular matter correspond to a particular virtue, the objection protests that there is no operation or matter corresponding to legal justice that is distinct from the operations and matters of the particular virtues. The unexpressed conclusion is that, therefore, there is no general moral virtue such as legal justice.⁵⁷

Godfrey immediately replies to this objection that to legal justice, in the way in which it is a general virtue, there does correspond a general end, and a general operation, and it does deal with a general subject-matter. Its end, the common good, is general by that kind of universality under which the special virtues are virtually contained. Its operation is general by reason of the general nature of its end, an end which is attained not by the operation of any particular virtue but by the operations of all of them insofar as they are understood as constituting an integral whole. Its matter is general because it includes the entire matter and all the acts of the particular virtues (PB 5.339).

The wording of the objection itself is interesting in that it indicates knowledge of an argument in support of Godfrey's position that could be a brief (although not literal) restatement of some of the reasoning in Godfrey's (or the *respondens*' defense) of the answer to the first principal question (see PB 5.304–05, esp. the text quoted in n. 39 above from p. 305). If so, this is another indication that

⁵⁷ PB 5.338: "Ad primum cum dicitur quod virtuti generali debet respondere operatio generalis et circa materiam generalem, sicut virtuti speciali respondet operatio specialis et circa materiam specialem; sed iustitiae legali non potest attribui operatio vel materia alia ab operationibus et materia specialium virtutum quae non sunt operatio vel materia generalis; ergo et cetera."

the objections now being considered were originally raised in the first day's oral disputation only after an answer, at least an initial answer, had been given to the main question by the responding Bachelor, or perhaps by Godfrey himself.

A second objection maintains that legal justice is not a virtue that is distinct from the other moral virtues because it has no operations that are proper to itself. Godfrey responds that while its operations and those of the other virtues are materially the same, they are not the same *formaliter*. For instance, an act according to the virtue of temperance insofar as it is ordered to the proper end of temperance is materially the same as that same act when it is ordered to the *bonum commune* which is the end of legal justice. Nonetheless they are formally distinct (PB 5.339). He offers a similar response in replying to the third objection, which argues that one and the same act would pertain to a special virtue and to legal justice, for instance, as when a soldier fights bravely both because of the good involved in the virtue of fortitude and because of the common good (PB 5.339–40). And in responding to the fourth objection Godfrey brings out a little more fully the way this general virtue—legal justice—is and is not identical with any given particular virtue (PB 5.340).

But he uses the fifth objection as an occasion to expand upon his view about the subject in which legal justice inheres, and concerning whether any moral virtue resides in the will. According to this objection, legal justice cannot be general by reason of a common end or a common object because it resides in the sensitive appetite. But the sensitive appetite does not extend to any general or common good, but only to some particular good. Godfrey responds that there are different kinds of wholes, such as a universal whole, an integral whole, a potential whole, etc. The common good that is intended by legal justice is not one particular human being but the entire community, i.e., the good of the entire community or of all contained in that community insofar as they belong to it. And so this good is something common which nonetheless constitutes something singular insofar as it is a kind of integral order containing many human beings of the community within it. Therefore, against the objection, when it is said that legal justice cannot look to the common good if it resides in the sensitive appetite, it could be said that this would be true of that which is common as a universal whole, but not of a whole taken in another sense, that is, as an integral whole (PB 5.340–41).

But then Godfrey comments that for fuller understanding of this it should be noted that all moral virtues reside in the sensitive appetite which itself per se and directly is an appetite only for certain particular goods. Nonetheless, the per se object of these virtues is not some particular good but some good that is universal in the order of predication whether that predication is truly univocal or only analogical. In support he points out that, in the case of actions to be performed, the end plays a role similar to that of a principle in speculative matters because from the end the universal principle for a practical syllogism is derived with respect to things ordered to that end. Therefore the end is not merely some particular good. Moreover, prudence is a virtue of the intellect. While knowledge of universals pertains to it as an intellectual virtue, prudence itself also involves a knowledge of particular acts to which universals are applied. Finally, he also comments that if justice could not be located in the sensitive appetite because its principal object is common by universality in the order of predication, neither could any other virtue (PB 5.341–42).

This in turn leads Godfrey to a fuller consideration of the appropriate subject for justice, that is, either the will or the sensitive appetite, even though, he indicates, he has discussed this on many other occasions.⁵⁸ In brief, he maintains that with respect to the nat-

⁵⁸ The following question had been raised in Godfrey's *Quodlibet* III, q. 13: "Utrum omnes habitus morales sint in voluntate ut in subiecto." Unfortunately the surviving *reportatio* only contains an opening argument *pro* and an opening argument *contra*, followed by the reporter's comment: "Responsio in libro magistri" (PB 2.225–6). In *Quodlibet* XII, q. 2, in his introductory remarks Godfrey notes that certain questions were raised concerning the rational powers by which a human being acts well or badly, and that of these, two had to do with the will, and one with the act of the intellect. "Primum istorum est utrum in voluntate sit necessarium ponere habitus virtuosos. Secundum est utrum habitus virtuosos, si sint in voluntate, aliquo modo diminuant de voluntatis libertate." But then he comments that because he intends to take up matters pertaining to these two questions in his Ordinary Questions, he will pass over them here and consider the third: "Sed quia quae ad duas priores quaestiones pertinent intendo in quaestionibus ordinariis, praecipue in illa qua quaeritur utrum iustitia sit in voluntate, pertractare, illis ad praesens omissis. . . ." (PB 5.83). One wonders to what "Ordinary Questions" he is referring, especially since he seems to be referring to a future question he intends to conduct. As was mentioned, a number of Godfrey's *Quaestiones disputatae et abbreviatae* survive in two manuscripts: Bruges, Statsbibliothek 491, and Vatican Borghese 122, and some of them have been edited either totally or in part. See my *The Metaphysical Thought of Godfrey of Fontaines*, pp. xxx–xxxiii. One of these, Disputed Question 15 (Bruges 491, f. 222ra–va; Borghese 122, ff. 154rb–155rb) according to the numbering in the catalog in Vatican Borghese 164, is entitled: "Utrum sit aliquis habitus in voluntate."

ural order (in contrast with the supernatural order) no habit or virtue is required to dispose the will to be promptly and rightly inclined to that which is apprehended and presented to it by right reason. But because the will and the sensitive appetites are connected and the lower is often deterred from obeying the higher (the will) because of the attraction of something apprehended by the senses, habits or virtues are required to dispose properly the sensitive appetite. This is necessary in order to reduce any excess or deficiency therein to the appropriate mean so that the sensitive appetite will not resist or impede the will from acting in accord with right reason. Therefore one must posit habits or virtues in the sensitive appetite per se and primarily, not in the will (PB 5.342).

Godfrey insists that this does not detract from the dignity and perfection of the will but rather supports and attests to it; for that is more excellent which owes its excellence and perfection to the condition of its own nature than that which owes it to something added to it from without such as a virtue.⁵⁹ He concludes therefore that

Its opening part has been edited by B. Neumann, *Der Mensch und die himmlische Seligkeit nach der Lehre Gottfrieds von Fontaines* (Limburg/Lahn 1958), pp. 160–1, and a continuing but still incompleting section by J. Koch, *Durandi de S. Porciano O.P. Tractatus de habitibus. Quaestio Quartus* (Münster 1930), pp. 60–6. Although more of this question is preserved in the Borghese manuscript, that found in both manuscripts is still incomplete, so much so that, in my judgment, it would be hazardous to form any judgment about Godfrey's definitive position on the basis of this text alone. Cf. T. Graf, *De Subiecto Psychico Gratiae et Virtutum secundum doctrinam Scholasticorum usque ad Medium Saeculum XIV*, Pars Prima, vol. II (Rome 1935), pp. 161–70. While he recognizes that the discussion in this Disputed Question is incomplete, he seems to conclude too quickly from it that there Godfrey does defend the presence of habits in the will, and then struggles to reconcile this with *Quodlibet* XIV (see pp. 168–71). Moreover, in light of Glorieux's dating of *Quodlibet* XII in 1295, and my proposed dating of it in 1296–97, it seems unlikely that this is the Ordinary Question which Godfrey was anticipating at that time. It seems to be earlier than *Quodlibet* XIV, although it is difficult to date precisely. Two other possibilities come to mind. Perhaps the anticipated disputation has not survived, either because it has been lost, or because it did not take place. Or perhaps Godfrey was then anticipating what would ultimately appear as our "*Quodlibet* XIV." If this should prove to be correct, it could support the view that *Quodlibet* XIV really was not a *quodlibet*, but some kind of Disputed Question. On the other hand, Godfrey might have subsequently decided to deal with this in *Quodlibet* XIV. As noted by Kent, there is a passing reference to Godfrey's view that moral virtues or habits are not needed for the will in q. 1 of his *Quaestiones Ordinariae* (PB 14.84), but this is clearly not the kind of discussion Godfrey was anticipating in *Quodlibet* XII. For Kent see her *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, DC, 1995), p. 236, n. 66. Also see pp. 236–7 on Godfrey's discussion in *Quodlibet* XIV.

⁵⁹ PB 5.342. Note especially: "Immo super illam attestatur, quia nobilior est illud quod habet suam nobilitatem, perfectionem et dignitatem ex condicione suae

justice and every moral virtue must be placed in the sensitive appetite. He notes that this is most explicitly evident from the Philosopher and his *expositores* in many passages in the *Ethics* as he has shown elsewhere. After recognizing the distinction between the concupiscible and the irascible appetites, he considers a doubt concerning in which appetite justice should be located. He proposes that by speaking *magis exquisite et magis explicite*, it seems that particular kinds of justice should be placed mainly in the concupiscible appetite and general or legal justice in the irascible attitude (PB 5.343–44). Godfrey goes on to offer a fuller explanation and defense of this position and considers some objections raised by some against it as well, but all of this as part of his long response to the fifth objection (PB 5.344–46).⁶⁰

In replying to objection 6 Godfrey defends a formal and essential distinction between the common good of a community and the individual good of any one of its members rather than a mere numerical distinction, and turns to Aristotle's *Politics* I, c. 1, for support. And in responding to objection 7 he again presents and defends his view that legal justice is a general virtue that is distinct from all particular virtues by reason of its distinctive end (the common good) even though the acts of the particular virtues serve as its subject-matter (PB 5.346–47).

Objection 8 maintains that general justice does not differ really from particular justice because of the unity of their object. Just as friendship is not distinguished by the difference between that which is ordered to the common good and to a particular good, so justice is not distinguished by the difference between that which is ordered to the common good and to a particular good (PB 5.347–48). In replying Godfrey grants that, if one speaks philosophically about natural friendship which is ordered to the *bonum honestum*, it is true that friendship taken in the strict sense is not divided into a common or general friendship which has to do with the common good and a special friendship which has to do with a particular good. But this is because in the natural order there is no friendship which is ordered

naturae quam quod illud quod ex aliquo adventitio et coniuncto naturae suae consequatur.”

⁶⁰ In denying that any natural moral virtue is located in the will Godfrey is differing with Aquinas (who would place justice in the will), but also with many thinkers from the Franciscan tradition as well as Henry of Ghent and James of Viterbo. For discussion of many of these see Kent, *Virtues of the Will*, pp. 199–245. For Godfrey vs. James see her “Justice, Passion, and Another’s Good,” pp. 715–18.

to the common good and there is no general natural friendship which is a distinct virtue from particular kinds of friendship. For as he has already explained, friendship taken strictly and as a virtue distinct from other virtues is only one in species as, he maintains, is evident from *Ethics* VIII and IX. And so he continues to insist that there is a general (legal) justice that is distinct from particular kinds of justice (PB 5.347–48).

If Godfrey's response to objection 8 seems to be directed at James of Viterbo's *Quodlibet* III, q. 21, objection 9 seems to propose an even stronger version of a similar theory.⁶¹ There is no need to posit a general virtue of justice at all, but only a general acquired virtue of friendship. Just as charity, which is supernatural friendship, sufficiently orders all the other moral virtues to their supernatural end, so too, naturally acquired friendship sufficiently orders all the other moral virtues to a human being's natural end. Therefore there is no need for another general virtue called justice (PB 5.348).

Godfrey counters that there is no parity between the two cases. Regarding our supernatural end there is a general virtue which is called friendship (charity) and which suffices to order the other (infused) virtues to their end. But there is no corresponding general natural virtue which is properly called friendship. There is only legal justice (PB 5.349).

Objection 10 had reasoned that general justice and particular justice do not differ really (*secundum rem*) but only conceptually (*secundum rationem*), and indeed that general justice and any particular virtue differ only conceptually. This is because a human being considered in relation to another individual human being (according to particular justice) differs only conceptually from that same human being considered as ordered to all human beings in general (according to general justice) (PB 5.349).

To this Godfrey responds that it is true that an individual human being and his act as related to some particular good and as related to the common good differ only conceptually. Nonetheless, the whole which consists of this particular human being and his act as ordered to a particular good differs really and essentially in the genus of

⁶¹ For James see *Quodlibet* III, q. 21, ed. Ypma cit., pp. 253–4. There James acknowledges that legal justice is a general virtue, not in terms of predication, as Godfrey would agree, nor by reason of its object, as Godfrey holds, but simply in terms of its matter, which is the matter of each virtue.

morals from the whole consisting of this same human being and his act as ordered to the common good. Particular justice and legal justice and the act of a particular virtue and that act insofar as it is the act of a general virtue do not look only to the particular human being and his act as related to different ends but to the whole that includes the act of the particular virtue and the aforementioned different ends and the different relationships to them (PB5.349–50). Godfrey then offers a careful exegesis of *Ethics* V, c. 2 (1130a10–13), in order to show that this passage must not be taken as implying that for Aristotle legal justice does not differ essentially from other virtues. As Godfrey quotes this text it reads: “Quod autem differt virtus a iustitia manifestum est. Est quidem eadem, esse autem non idem; et secundum quod ad alterum iustitia, secundum autem quod talis habitus simpliciter virtus” (PB 5.350). The final part of this text serves as a basis for objection 11, and so Godfrey also offers his own interpretation in responding to it (PB 5.351). I mention this in passing simply to illustrate how heavily Godfrey is influenced by Aristotle in his treatment of legal justice.

VI

After having considered and replied to all 13 objections, Godfrey’s edited text introduces “Quaestio IV: Utrum praeter iustitiam sit alia virtus appetitiva generalis.” But this is again misleading. Godfrey himself rather writes that now he must move on to resolve the arguments (*rationes*) which were introduced with respect to the other question, i.e., his second main question, which asked whether in addition to justice there is another general virtue of the appetite. As we have already seen, Godfrey has already given his answer to that question. But now he explains:

Circa quod est intelligendum quod ad hanc quaestionem inducebantur quaedam rationes generales quarum quaedam ostendebant quod non est aliqua virtus appetitiva generalis; quaedam vero quod non est aliqua virtus appetitiva quae non sit generalis. Et istae etiam possunt ad primam quaestionem aliquantulum applicari. Sic enim procedebatur in disputando circa huiusmodi quaestiones quod quaedam rationes inducebantur ad unam quae induci poterant ad aliam, et e converso (PB 5.357).

For our purposes this is another important transition statement. Godfrey begins by explaining that regarding the second main question, certain general arguments (*rationes*) were introduced, some of which were attempting to show that there is no general appetitive virtue, while others were attempting to show that there is no appetitive virtue which is not general. Godfrey does not refer to these as questions, as one would expect in a typical quodlibetal disputation. He rather calls them arguments (*rationes*). Moreover, he goes on to note that these could also in some way be applied to the first main question. To account for this he adds that the disputation occurred in such fashion that, when dealing with questions of this kind, certain arguments introduced with respect to one principal question might well have been introduced with respect to the other, and vice versa.

One gets the impression that, whatever kind of disputation this may have originally been, during its course things became confused and may, indeed, have gotten out of the control of the responding Bachelor. And so now Godfrey is introducing some order into his determined and written version of the proceedings.

Godfrey first considers an argument intended to show that there is no general virtue of the appetite. Objection 1 reasons that a virtue of the appetite is said to be particular if it has to do with a particular object of appetite. So too, a virtue should be called general which deals universally with every object of appetite. But no single appetitive virtue can be concerned universally with every appetible object. In support of the minor it is argued that the range of a power is greater than the range of any habit that exists in that power, and especially so when the power is the subject for a number of habits. Because the appetitive power in which different habits are located extends to all objects of appetite, there is no single habit or virtue of the appetite which extends to all appetible objects (PB 5.357).

Godfrey responds to this by recalling that while there can be one cognitive virtue in the intellect which refers to all objects of appetite, that is, prudence, there can be no similar virtue of the appetite which directly, per se, and immediately inclines to all appetible objects as to its formal object. He explains that all objects of appetite can fall under the intellect's knowledge under one common aspect because it pertains to one and the same intellectual discipline to know contraries. But this is not true of the appetite since it is directed to an appetible thing insofar as that thing exists in itself. Otherwise there

would have to be one inclination on the part of the appetite to many things that differ formally in terms of their appetibility. Consequently, neither can there be one single habit or virtue that per se, immediately, and directly disposes the appetite with respect to formally distinct appetible objects. But he does repeat his view that one appetive virtue can perfect the appetite with respect to every appetible object in another way, that is, *materialiter* and *per accidens* and by way of consequence insofar as per se and primarily it looks to some good that is common or universal in the manner of an integral whole. In this sense it looks to a common good within which as an integral whole many individuals are contained. This virtue, of course, is legal justice (PB 5.357–58).

On the other hand, objection 2 maintains that there is no virtue in the appetite except one that is universal. For someone to be perfect in the moral order (*in esse moris*), two kinds of virtues are required and seem to suffice, namely a virtue in the intellect that directs toward the good, and a virtue in the appetite which inclines to that good. But there is only one directive virtue in the intellect—prudence—which is one and a general virtue. In like fashion there is only one virtue that inclines in the appetite, and it too is general. In line with his answer to objection 1, Godfrey replies that while there is indeed only one directive virtue in the intellect, there cannot be a virtue in the appetite whereby it is inclined per se and directly and immediately to all appetible objects (PB 5.358–59). He adds that he has dealt with this more fully in his Disputed Question: “Utrum sit una tantum prudentia.”⁶² And this, I would note in passing, in turn implies that *Quodlibet* XIV is chronologically subsequent to that Disputed Question.

Godfrey next considers a third objection directed against his view that, while in addition to legal justice there is no other natural acquired virtue of the appetite which is truly general, nonetheless, charity is a general infused virtue. The objection reasons that a virtue which perfects someone per se and directly with respect to some particular good that is distinct from others, and which has its proper operations and acts with respect to that good, does not perfect that person with reference to the common good (and hence is not truly

⁶² See his *Quaestiones Ordinariae*, *Quaestio III* (PB 14.119–37): “Utrum prudentia sit una virtus.”

general). But charity is such a virtue since it looks directly and *per se* to the divine good or to God Himself, Who is a particular good essentially distinct from every other good, and it elicits its distinctive acts with reference to that good (PB 5.359).

In replying Godfrey grants that a general virtue taken strictly has for its object some good that is common by reason of a community based on the aggregation of many individuals together, and which is common not merely in the order of predication or causality. But this can happen in two ways. A general virtue may have such a common good for its primary and principal object to which it looks *primo et per se*, as is true of legal justice. But another kind of general virtue may have as its object such a common good, not as its first and primary object, but rather as its secondary object in such fashion that it looks to that secondary object as inseparably and necessarily following from its primary object. Such a virtue is infused charity which has as its primary and more principal object a determined good in its essence which is common in the order of causality and power, that is, God himself. This virtue can be said to be friendship in the true sense (PB 5.359–60).

Godfrey also appeals to this distinction in replying to objection 4, which would deny that charity is truly a general virtue because it cannot be said to be the whole of virtue or every virtue, as Aristotle says of justice. Godfrey responds that insofar as charity has God as its primary and principal object, it is a particular virtue and a part of virtue. But insofar as this object by reason of its supreme perfection possesses a universality based on causality and power to which all other things are to be referred, it is also general by reason of the commonness of its secondary and less principal object. Hence in this sense it must be said that it is the whole of virtue or also every virtue, as is said of legal justice in the natural order (PB 5.360).

Godfrey next replies to a three-part objection offered against the *respondens*, who was saying that charity is a general virtue with reference to the others because it pertains to charity to refer the other virtues to its own end (PB 5.360). This remark (“Ad aliud cum arguebatur contra respondentem qui dicebat . . .”) is interesting because it confirms the fact that *Quodlibet* XIV was originally conducted as an oral disputation, and also because it makes it clear this time that the reasoning in question was indeed originally offered by the official responding Bachelor (*respondens*).

As for the three-part objection, the first subobjection counters that the argument offered by the *respondens* is insufficient because the universality to which it appeals is only based on a kind of causality based on command insofar as charity by commanding refers other virtues to its own end. But this is not the kind of generality based on the community of the kind of whole that gathers many goods together as an integral whole, as is true of legal justice. The second argues that if this were enough to make charity a general virtue, then friendship taken strictly, which is a particular virtue, would also be a general virtue by which one who loves a friend for the sake of the *bonum honestum* also wills and works for and refers other virtues to the friend himself. The third subargument reasons that on the *respondens*'s account, every virtue could be called general because every virtue can order the acts of other virtues to its end (PB 5.360–61).

Godfrey refutes the first subobjection by granting that because charity orders the acts of all the other virtues to its own end which is its first and principal object, that is God, it enjoys the kind of generality with respect to the other virtues that is based on a certain kind of causality and command. But this does not prevent it from also enjoying another kind of generality that is similar to that of general justice, that is, the kind of commonness he has already singled out above as necessarily following from God, the primary object of charity in secondary and less principal fashion (PB 5.361).

Against the second subobjection Godfrey argues that no other particular virtue taken in the strict sense, including natural friendship, enjoys the kind of generality based on causality which charity possesses (PB 5.361–62). And against the third subobjection he denies that every virtue could also be called general because each virtue can order the acts of other virtues to its own end. For one particular virtue to be ordered to the end of another does not belong to such a virtue *per se* but only *per accidens*, insofar as one virtue can in instrumental fashion be ordered to another by removing an obstacle to it or by offering some assistance to it (PB 5.362).

Next he considers and refutes a sixth objection claiming that in addition to justice and charity there are other general virtues such as the gift of perseverance or heroic virtue or, according to objection 7, greatness of soul (*magnanimitas*) as described by Aristotle in his *Ethics* IV (PB 5.363–64).

Objection 8 presents still another argument intended to show that not only charity but acquired friendship is a general virtue, based

this time on a text from Cicero's *De amicitia*. Godfrey rebuts this argument by proposing that in the text in question Cicero is really speaking about general justice, which may also be referred to as friendship when taken in a broad sense.⁶³

On the other hand, objection 9 argues that charity itself is not a general virtue because there is no particular charity that corresponds to it in the way in which there is both a general virtue of justice (legal justice) and particular justice. Godfrey rejects the parity implied by this objection between charity, on the one hand, and justice, on the other hand, as subdivided into general (legal) justice and particular justice. Charity should be compared only with legal justice which itself is a general virtue (PB 5.365–66).

Within this same context Godfrey discusses the difference between the kind of friendship which is identical with the infused virtue of charity and the particular moral virtue known as friendship. While this virtue is not charity in its essence, it is ordered by charity to the end and the good of charity itself, as are the other acquired moral virtues. He also considers the possibility entertained by some of distinguishing between the infused virtue of charity and another kind of acquired friendship which would be similar to infused charity, which acquired friendship cannot be present in those who do not have a similar acquired virtue of faith. For, it is argued, if someone can have acquired faith rather than infused faith, the same may be supposed about friendship. Godfrey, however, denies that such acquired habits of faith and of such so-called friendship, insofar as they are acquired habits, can really be virtues. And he develops at some length the point that an acquired habit dealing with supernatural matters differs essentially from an infused habit dealing with the same. For even if the material object of infused faith and of such a naturally acquired faith might be the same, for instance, belief that the dead will rise, they differ formally (PB 5.366–68). Moreover, Godfrey also argues that any acquired friendship which is said to be similar to charity, even if it may be a certain habit, is not a virtue in the strict sense and therefore not a general virtue. It is neither an intellectual virtue nor a moral virtue (PB 5.368–70).

⁶³ PB 5.364–5.

VII

At this point the edited version introduces what it refers to as “Quaestio V: Utrum sit amicitia aliqua generalis similis caritati” (PB 5.373). In fact, however, Godfrey simply states that he must now respond to arguments (*rationes*) which were introduced because of certain difficulties about other questions (“Deinde respondendum ad rationes quae inducebantur propter difficultates quarundam aliarum quaestionum” [PB 5.373]). It is under this general justification and explanation that he will account for the varied issues remaining to be considered in this disputation and in what will prove to be its longest part (PB 5.373–430). Once more, however, it is not clear whether these individual issues were raised as distinct questions at the original oral disputation, or whether they were indeed simply prompted by difficulties surrounding other questions. Godfrey’s remark strongly supports the latter, although he does here refer to other *quaestiones*.

First, then, Godfrey refers to an argument offered against the claim that there is a general virtue of friendship that is similar to charity but essentially distinct from it. The argument was based on the fact that Aristotle did not discuss any such virtue even though he is thought to have adequately treated all of the acquired moral virtues, and especially the major and more excellent ones. It is not clear who raised this particular argument, since it attempts to refute a position which Godfrey himself rejects. In any event he now briefly explains that such a habit of acquired friendship is not a true virtue at all since it is not an infused virtue, and since it does not include all that is required for an acquired virtue. Hence there was no need for Aristotle to consider it (PB 5.373).

Second, Godfrey considers another argument which had apparently been offered against admitting such a general acquired virtue, based on the adage: *De similibus simile est iudicium*. If such a general acquired virtue is posited, because it is similar to charity, and because it can be increased and decreased in intensity, the same must be true of charity. But this seems to be false since, while it is granted that charity can be increased, it is not generally granted that it can be decreased.

Since this leads to a lengthy discussion by Godfrey, I will first mention the third argument he now raises. If different habits of friendship are posited—infused and acquired—because they differ

essentially, they will have different corresponding acts. But their acts can be known, and by means of their acts their habits can also be known. But from this it would follow that someone who possesses one of the aforementioned habits will know that he possesses it, and likewise, someone who lacks one of these habits will be aware of the fact that he lacks it. But it is generally not granted that someone can be aware whether or not he possesses infused charity.

Without presenting in detail Godfrey's lengthy discussion of the second difficulty regarding the increase or decrease of charity, I will simply note here that, according to him, charity can be diminished by venial sin even as it can be totally corrupted by mortal sin. From the standpoint of merit, its diminishing principle as well as its increasing principle is the human subject; but in the order of efficient causality this principle is God (PB 5.374).⁶⁴ In the ensuing discussion Godfrey enters into detailed discussion of various opinions concerning whether an unending series of venial sins can finally lead to such a lessening of charity that it is completely corrupted. At the risk of some oversimplification, suffice it to say that Godfrey holds, on the one hand, that no matter how much charity may have been diminished by a continuing series of venial sins, it is always possible for it to be further diminished without being completely lost. On the other hand, rather than allow for a regress to infinity in this process, one should hold that if venial sins are continuously multiplied without cease, a disposition opposed to charity will be increased to such an extent that, if one continues to act in accord with that disposition, one will finally sin mortally and thereby totally lose charity (PB 5.376–80, esp. pp. 378–79). He then responds to some arguments that apparently had been offered against his solution, which I will pass over here in the interests of space (PB 5.380–83).⁶⁵

At this point Godfrey returns to the third difficulty he had raised above (see PB 5.373). Because of the alleged similarity between infused friendship (charity) and acquired friendship, since their respective acts

⁶⁴ Note in particular: "et sicut per actus simpliciter et perfecte contrarios generatur habitus simpliciter vitiosus et caritati simpliciter contrarius; et per hoc mereatur quis quod simpliciter et perfecte a Deo sibi caritas auferatur; ita etiam per huiusmodi actus tali modo contrarios caritati et derelinqentes quandam habitualement inclinationem aliquo modo contrariam inclinationi habituali caritatis, meretur quod a Deo in ipso caritas diminuat" (PB 5.374).

⁶⁵ On the origin and decrease of grace in the soul according to Godfrey, see Neumann, *Der mensch*, pp. 64–6.

can be known, the presence or absence of their corresponding habits (or virtues) can also be known. Godfrey begins his response by mentioning certain things about charity which no one in this life can know (*scire*) with scientific certainty, for instance, that charity is a habit infused by God, that it is meritorious of eternal life, or that one who possesses it is thereby rendered pleasing to God. These can only be accepted with the kind of certitude that is based on faith. Indeed, comments Godfrey, that there is *vita aeterna* is not certain by the kind of knowledge based on scientific evidence, but can only be known by faith. Therefore it cannot be known with scientific certainty that some habit through its acts is meritorious of eternal life, or even that there are such things as infused virtues in addition to the acquired (PB 5.383).

But since it is unfitting to hold that such habits are present within us together with their proper operations and yet they remain completely hidden to us, it seems that some kind of awareness (*cognitio*) of this should be available to us, not scientific knowledge, to be sure, but rather the kind appropriate for such things. In support he cites a text from Aristotle's *Ethics* I, c. 4, which, as Godfrey quotes it, reads:

humana bona et iusta sive moralia sunt in natura sua sic incerta et instabilia quod tantam habent apud homines differentiam et errorem ut videantur talia esse solum secundum aestimationem et suspicionem humanam et non secundum naturam (1094b14–16).

Godfrey points out that if we cannot have truly infallible and demonstrative certitude about the presence of acquired virtues within ourselves, any certitude we may have about the presence of infused virtues within us is even lesser and more imperfect, so much so that he describes it as a weak kind of *certitudo coniecturalis* (PB 5.385). In sum, Godfrey concludes that an individual person cannot “know” (*scire*) that he possesses charity or some infused habit. This we can only grasp with a certitude based on a kind of conjecture (*certitudine cuiusdam coniecturae*).

As regards their literary genre, Godfrey's discussions of the second and third difficulties could have both originated as particular individual disputed questions, more or less in line with the final opinion expressed by Lottin about *Quodlibet* XIV, that is, that it is a collection of disputed questions.⁶⁶ Nonetheless, Godfrey has presented

⁶⁶ See n. 11 above.

them as arguments that were introduced because of difficulties about certain other questions, as we have already noted (PB 5.373). It is in this way that he has managed to connect them, if somewhat tenuously, with the two major questions of this disputation. And this, as we shall now see, will apply to the remaining issues he considers therein. He has not introduced them as distinct *quaestiones*, as one would expect in a quodlibetal disputation or an ordinary disputation.

Next Godfrey turns to another argument offered against his view that a general virtue (legal justice) does differ from particular virtues (particular kinds of justice). Through one simple habit a person can be sufficiently perfected with respect to himself and to others according to different acts. It seems as appropriate for two different acts to proceed from one simple habit as it is for one act of the intellect to proceed from it according to different intelligible species. But from one intellect informed by different intelligible species numerically one act can proceed, as in the case of the beatific vision wherein a *beatus* can see the divine essence in itself as well as different things in their own nature simultaneously, and hence in only one act. Godfrey also notes that this same point was made by the argument that all acts of the intellect produced by different intelligible species are themselves still specifically the same because their agent and efficient cause is of one and the same nature, that is, the human soul. From that from which something has its entity it also has its specific unity (PB 5.386–87).

This rather complex argumentation will enable Godfrey to introduce a number of widely disparate issues which are obviously of immediate concern to him. He begins by commenting that the act by which a *beatus* sees the Word (*Verbum*) as well as created things in the Word is one *simpliciter* because the soul of the blessed does not see anything else except under the simple nature of the Word. Nevertheless, it is impossible for the act by which the *beatus* sees the Word as well as created things in their proper natures according to their proper definitions to be one in the absolute sense (*simpliciter*), whether numerically or specifically. He notes that in extremely irrational fashion (*nimis irrationabiliter*) some say that every act of the intellect derives its unity from the intellect because it is efficiently caused by the intellect and so they conclude that all acts of the intellect are specifically the same. This view is also no less absurd because it is against the very nature of a subject for it to serve as both the active and passive principle or as both the efficient cause and the material

cause of something that perfects it. Returning to one of his favorite metaphysical themes, the act-potency axiom, Godfrey denounces any such view as involving contradiction, as he has frequently stated elsewhere, and as being against the nature of philosophy which rests on right reason (PB 5.387).⁶⁷

Such a position is especially contrary to the nature of the intellect, he continues, since it is held to possess two powers, the agent intellect and the possible intellect. Defenders of this view hold that the possible intellect, or else the soul by means of the possible intellect, is the efficient cause of its acts of understanding. But this is contrary to the very name "possible" intellect which rather indicates that it is a potentiality for the act of understanding, and is presented by Aristotle as "matter" in an intellectual nature like a *tabula rasa* on which nothing is written (see *De anima* III, c. 4 [429b31–430a2]). And if anyone claims that the intelligible object depicts its likeness in the intellect, which likeness is called a species, and that it is owing to this species that the intellect causes its act of understanding, Godfrey rejects this as well. The whole consisting of the intellect and an intelligible species of this kind, if such be posited, still serves as a single subject with respect to the act of understanding to which it is in potency (PB 5.388).

Moreover, Godfrey uses this as an occasion to register once more his disapproval of any such intelligible species.⁶⁸ Because the possible intellect is a potency with respect to intelligible objects, intellection on its part requires that the object itself, in virtue of the agent intellect's abstracting activity on a phantasm, function as the efficient or agent cause of intellection. Hence whether or not such intelligible species are posited, it still follows that it is the object itself that serves as the efficient cause of the intellect's act of understanding (PB 5.388). He also argues that even if such species are posited, they

⁶⁷ For discussion of this in texts ranging throughout Godfrey's career see my "Godfrey of Fontaines and the Act-Potency Axiom," *Journal of the History of Philosophy* 11 (1973), pp. 299–317, and *The Metaphysical Thought of Godfrey of Fontaines*, pp. 176–84.

⁶⁸ For discussion of Godfrey's rejection in other texts of any intelligible species that would be distinct from the act of understanding itself see my "Godfrey of Fontaines on Intelligible Species," in *Intellect et imagination dans la Philosophie Médiévale. Actes du XI^e Congrès International de Philosophie Médiévale de la Société Internationale pour l'Étude de la Philosophie Médiévale (S.I.E.P.M.), Porto, du 26 au 31 août 2002*, M.C. Pacheco and J.F. Meirinhos, eds., vol. I (Turnhout 2006), forthcoming.

will differ numerically and specifically in accord with the number and distinction of their objects and so, too, will corresponding acts of understanding. He flatly rejects the view that acts of the intellect are specifically one because they are caused by one soul. This would lead to eliminating the distinction between different acts and habits of the intellect, and hence the distinction between the sciences themselves (PB 5.388–89). Acts of the intellect are distinguished by reason of their objects. This also leads him to an analysis of motion itself which, according to certain texts from Aristotle's *Physics* V, must be distinguished specifically by reason of distinct termini, not by reason of different subjects (PB 5.390–91). He then returns to the point that because both the sense powers and the possible intellect are passive powers, their objects serve as their moving principles. The powers of the soul, or else the soul by reason of such powers, serve as the subject of such acts (PB 5.391–92).

Next Godfrey considers another argument against his view that there is some general virtue distinct from particular virtues, based on the claim that as a general virtue stands in relation to other virtues, so stands a subalternating science to a subalternated science. And just as the subalternating science regulates the subalternated science by proving and justifying the latter's principles, so does a general virtue regulate the particular virtues by directing their acts to its end. But just as a subalternating science is not distinct from a subalternated science in such fashion that the latter is a science *simpliciter* but only *secundum quid* and *ex suppositione*, so too, a general virtue is not distinct from particular virtues *simpliciter* but only *secundum quid* (PB 5.398–99).

This objection enables Godfrey to enter into a fairly detailed discussion of different ways of dividing the sciences. One division is based on the difference between a science that is prior, more general and simpler than all the others because it studies entities that are prior and more general and does so in a different way, that is, in a more general way, i.e., metaphysics, and other more particular sciences.⁶⁹ Another division is based on the distinction between a subalternating and a subalternated science. Even though the subalternated science is less perfect than the subalternating science, Godfrey

⁶⁹ For discussion of this text see my *The Metaphysical Thought of Godfrey of Fontaines*, pp. 2–15.

points out at some length that this does not of itself prevent the subalternated science from truly being a science (PB 5.399–401). This robs the objection of its force, but also suggests that Godfrey's real interest in this discussion is to clarify the relationship between a subalternating and a subalternated science. Once again, however, this issue is not raised in Godfrey's text as a *quaestio*, but enters in as supporting an objection against his position on legal justice.

VIII

Equally if not still more tenuous is the connection of the next major section of this disputation with the general topic of legal justice. As Godfrey presents this, another argument against his view that general or legal justice really differs from particular justice reasoned that these two kinds of justice have more in common with one another than does the potency of matter with form or act. Both particular justice and general justice bespeak act and form. But act has more in common with act than has potency with act. But, the objection reasons, the potency of matter is really identical with form since otherwise form would be produced from nothingness and by creation. Ergo (PB 5.402).

This enables Godfrey to take up the general issue of the relationship between potency and act as realized in the generation of material substances, and in particular an unacceptable view put forth by James of Viterbo. After some preliminary divisions and discussion, Godfrey concentrates on a particular problem having to do with the status of the substantial form of a composite substance before the process of generating that substance is completed. In such a case, the composite is said to enjoy potential being by reason of something intrinsic to it, that is, its matter, which preexists in another substance but has the potentiality to be perfected by the new substantial form (PB 5.403–04). But what about the substantial form of the composite substance that is to be generated? It seems that before the terminus of the generation process is reached, only the matter of the new substance preexists. And so, Godfrey observes, some were moved by this to conclude that, since the form does not preexist in terms of anything pertaining to its intrinsic entity, at the terminus of generation the new form is produced from nothingness and hence is created. To account for this they posited certain *datores formarum*.

As proponents of this view Godfrey cites Plato and Avicenna and certain others (PB 5.405).

Others took the opposite course. Because they rejected any doctrine of creation and observed the constant variation of things in the physical world, they held that all things are in some way present in all things. Physical objects really consist of minute particles, each of which is a complete entity with its own matter and form, and not subject to generation and corruption. It is by varying combinations of these minute particles that physical objects are constituted in different sizes and shapes. As a result of the gathering together and the separating of these particles, generations and corruptions seem to occur; but the underlying realities or particles are never generated or corrupted. Therefore not only the matter but the forms of these minute particles preexist, and not merely potentially but actually (PB 5.405–06). Bonaventure and Thomas Aquinas had described a similar theory and presumably knew of it because of Aristotle's discussion in *Physics* I, c. 4. While Godfrey does not here explicitly name Anaxagoras, he has his position in mind.⁷⁰

Godfrey notes that Aristotle rejected both of these positions and proposed a kind of intermediary view according to which such a form does not preexist *formaliter* according to anything pertaining to its intrinsic entity but only in potency and virtually by reason of pre-existing matter from which the form can be educed by an agent. (Godfrey also comments more than once that Aristotle himself had no doctrine of creation.)⁷¹ But then Godfrey refers to others who claim that they defend a *via media* between the two aforementioned extreme positions, and one that they imagine follows the way of Aristotle. According to this position, that is, according to James of Viterbo, before the completion of the process of generation the new form does preexist, not merely virtually in the potency of matter but also formally in its own nature *secundum totalem entitatem et essentiam naturae suae*. According to this view, form enjoys two modes of being, one a potential *modus essendi*, the other an actual *modus essendi*. James maintains that his position differs from the first extreme position—

⁷⁰ PB 5.405–6. For Bonaventure see *In II Sent.*, d. 7, p. 2. a. 2, q. 1, *Commentaria in quatuor libros Sententiarum* (ed. Quaracchi 1882–89), vol. II, pp. 197ff. For Thomas see *In II Sent.*, d. 1, q. 1, a. 4, ad 4, *Scriptum super libros Sententiarum*, ed. P. Mandonnet (Paris 1929–47), vol. II, pp. 26–7.

⁷¹ PB 5.404, 412, 413.

the creationist view—in that he holds that the form is not newly created but preexists according to its proper entity formally. And he differs from the second position because he denies that it preexists according to its actual *modus essendi* (PB 5.406–07).

In presenting the theory this way and in these terms, Godfrey is clearly following the text of James's *Quodlibet* II, q. 5.⁷² Godfrey presents his always unnamed opponent as holding that potency and the act that perfects that potency with respect to one and the same thing do not signify different things (*res*) but diverse modes of existing (*modi existendi*) for one and the same thing. He describes these diverse modes of existing as perfection and imperfection, or as determination and indetermination, or as lack of form and form or species, again citing literally from James's *Quodlibet* II, q. 5.⁷³ Then, still following James's text, Godfrey presents him as also arguing from Averroes's Commentary on *Metaphysics* VIII and XII to support his claim that it is one and the same form which first existed in potency and then in act in a newly generated composite.⁷⁴ Godfrey also presents in somewhat abbreviated fashion three of James's more extended arguments for his view but, since I have discussed this elsewhere, I bypass them here.⁷⁵

Godfrey reacts very critically to James's position. He finds it contrary to the mind and the texts of both Aristotle and Averroes, and devotes considerable space to establishing this textually (PB 5.408–13). Moreover, he declares that the falsity and impossibility of this position is even more evident than that of the two other extreme views (PB 5.413–16).⁷⁶ Since I have already presented his efforts to make these points elsewhere, I will also pass over them here.⁷⁷ After returning to a key text from Averroes's Commentary on the *Metaphysics* in order to show that James has badly misinterpreted it (PB 5.417–18), Godfrey ends by refuting individually the three arguments he had

⁷² See *Jacobi de Viterbio O.E.S.A. Disputatio secunda de Quolibet*, E. Ypma, ed. (Würzburg 1969), p. 65.211–14, which is almost literally cited by Godfrey (PB 5.407.4–8).

⁷³ PB 5.407.7–13, citing from James, *Quodlibet* II, q. 5, ed. Ypma cit., p. 71.386–92.

⁷⁴ See PB 5.407.13–18, and James, ed. Ypma cit., p. 72.442–6.

⁷⁵ See *The Metaphysical Thought of Godfrey of Fontaines*, p. 297, and notes 11–14.

⁷⁶ “Circa hunc autem modum ponendi duo secure assero; primum est quod ista positio est simpliciter contra intentionem Philosophi et Commentatoris, licet ex dictis eius male intellectis et male applicatis videatur aliquantulum confirmari. Secundum est quod falsitas et impossibilitas huiusmodi positionis evidentius apparet quam falsitas et impossibilitas aliarum (PB 5.408).

⁷⁷ See *The Metaphysical Thought of Godfrey of Fontaines*, pp. 297–302.

originally taken from James's texts in support of the latter's theory (PB 5.420, 425–26, responding to arguments presented on pp. 407–08).⁷⁸ As Godfrey sums up his own position while responding to James's third argument, in the process of generation a new form is neither created nor generated. It is the composite that is generated. Therefore the form has its being from that from which the composite derives its being, that is to say, from matter as the material principle and from the efficient cause as the agent. And so form should not be regarded as a preexisting intermediary between absolute non-being and being. Only matter qualifies for this (PB 5.426).

Then, almost as an "add-on," Godfrey considers and refutes another argument advanced by some. Just as from the most simple divine essence different real and absolute modes arise such as goodness, truth, and things like this which express something really present in God, although not an absolute thing, so it seems that from one simple habit of virtue, specifically different acts can proceed (PB 5.426). This seems to be connected with his earlier discussion of an argument against his view that general justice differs from particular kinds of justice (PB 5.386–87). But this now leads him to discuss and criticize this theory of real modes, and to reject its application to the issue of the distinction of such divine attributes from one another and from the divine essence unless this account itself is seriously qualified (PB 5.430). It also enables him to introduce an interesting division of being into *ens secundum animam* and *ens extra animam*. *Ens extra animam* is subdivided into *ens per se* and *ens per accidens*. *Ens per se* is itself divided into the ten predicaments (PB 5.427).⁷⁹ Curiously, however, he never gets back to showing how his views on this issue relate to the claim that from one simple habit of virtue, specifically different acts can proceed. Apparently his critique of the application of the theory of real modes to the divine attributes and essence is enough in his eyes to undermine the analogy on which the argument rests.

At this point the text simply ends: "Explicit decimum quantum quodlibet Magistri Godefridi de Fontibus," although according to the critical apparatus, in three of the manuscripts used for the edited version, VPK, *quodlibet* is spelled as *quolibet*. In two other manuscripts

⁷⁸ For more on these arguments see *ibid.*, pp. 303–4.

⁷⁹ For more on this division see *ibid.*, pp. 15–19.

also used, C and Q, it is spelled *quodlibet*. Important for our purposes is the fact that all of these manuscripts identify it as a *quodlibet*, not as a disputed question. In the case of MS P (Paris, BNF, lat. 15842) this may be especially significant since this codex was left by Godfrey himself to the Sorbonne. As cited by Hoffmans in his description of the manuscript (PB 14.167), the copyist has added this explicit to this manuscript: *Explicit Xiiij quolibet m(agistri) G(odefridi)*. While Hoffmans refers to it as a fourteenth-century manuscript, it must be very early in that century to have been part of Godfrey's own legacy.

In an effort to determine whether or not *Quodlibet* XIV really is a quodlibetal disputation, I have concentrated on the organizing plan followed by Godfrey in his determined and written version. There is indeed an organizing plan, as one would expect from any typical *quodlibet*. But it does not really correspond to the plans he has employed in any of his other *Quodlibeta* nor, for that matter, to any plan I have found in any other surviving *quodlibet*. If I may briefly recall that plan here, he begins by distinguishing two major questions: (1) whether justice is a general virtue distinct from the other moral virtues; (2) whether in addition to justice there is some other general virtue of the appetite.

Godfrey then explains that with respect to these two main questions, certain arguments (*rationes*) were introduced which pertain directly to the subject-matter of those questions, while still other arguments (*rationes*) were raised which touch upon the subject-matter of many other questions and which were introduced in order to help resolve the primary questions. He comments that those issues which were introduced which bear directly on the two main questions as well as those that do so only indirectly require the resolution of many other *quaestiones*. And so something must be said about each of them (PB 5.303). At this point in Godfrey's text we wondered whether the *rationes* he has mentioned could be construed broadly so as to cover other independently raised questions, or whether they should be taken as referring only to arguments and objections. Near the end of the text just mentioned he does refer to many other *quaestiones*.

Next Godfrey explains that with reference to the first major question, four points (subpoints, I have called them) must be made. Godfrey does not give the reader the impression that these four subpoints were each originally raised as questions by members of the

audience or, for that matter, as objections. They rather seem to be precisions he needs in order to offer his solution to the main question.

After considering these four subpoints, and under a heading introduced by the modern editor as *Quaestio II*, Godfrey turns to the second major question: "Whether in addition to legal justice there is some other general virtue of the appetite." He notes that according to Aristotle there is no other general or more perfect virtue than legal justice; and that no other natural moral virtue such as justice is to be admitted, although some (James of Viterbo) seem to hold this. And so, in order to clarify the second main question, Godfrey will determine two points: (1) whether friendship taken strictly is a virtue; (2) whether in some way some kind of friendship can be a general virtue (PB 3.320). As these two subpoints appear in Godfrey's text, they could be taken as questions, and hence as subquestions falling under the second main question. If so, they could also have been raised by Godfrey as part of his solution, or by members in the audience.

Godfrey then examines the first subquestion by arguing that according to Aristotle friendship truly is a special virtue and distinct from the others and, against James, that taken strictly friendship is not a general virtue. In addressing the second subquestion he argues that while there is no natural general virtue of friendship, there is an infused general virtue of friendship, that is, charity (PB 5.320–30).

In what the editor identifies as Section II of the general Question II (PB 5.332), Godfrey develops further implications following from his consideration of this second principal question. This leads him into a discussion of a general virtue of the practical intellect, that is, prudence, as well as an issue concerning different kinds of prudence, including both acquired and infused. And this in turn leads him to consider an infused practical virtue of science, that is, theology, and into an excursus about the nature and the end of theology.

At the end of the section identified by the editor as *Quaestio II*, Godfrey indicates that he must next respond to objections that were raised against the first main question (PB 5.335). I have already pointed out that the heading introduced by the editor for the next section is misleading and redundant ("Question III: Whether legal justice is a general virtue") because Godfrey has already answered this question and because what follows is presented by Godfrey himself as a set of replies to thirteen objections raised against the response to the first main question (PB 5.338–54).

Then, in what the edited text incorrectly introduces as *Quaestio IV* ("Whether in addition to justice there is some other general appetitive virtue"), Godfrey indicates that now he must resolve the arguments (*rationes*) that were introduced with respect to the second main question. He explains that regarding this question, certain general arguments (*rationes*) were introduced, some of which attempted to show that there is no general appetitive virtue, and others which attempted to prove that there is no virtue of the appetite which is not general. Moreover, he observes that these arguments could also in some way be applied to the first main question, and adds that certain arguments that were introduced with respect to one (main) question could have been introduced with respect to the other, and vice versa (PB 5.357). Again, therefore, Godfrey does not give the reader the impression that these arguments were originally raised as individual questions, as one would expect in a typical quodlibetal disputation.

In accord with this plan Godfrey first considers an argument intended to show that there is no general virtue of the appetite (PB 5.357–58), and another that maintains that there is no virtue in the appetite that is not universal (PB 5.358–59). Then he considers a third objection against his view that while there is no other natural acquired virtue of the appetite which is truly general in addition to legal justice, charity is a general infused virtue, and following upon this, a series of objections challenging his position on charity (PB 5.360–61).

At the end of this section the edited text introduces what it calls *Quaestio V* ("Whether there is some general friendship similar to charity"), but once again incorrectly. In fact Godfrey states that now he must respond to certain arguments (*rationes*) arising because of difficulties about other questions (PB 5.373). It is to this general explanation that he appeals in order to account for the many and varied issues he considers in the remaining part of the disputation (PB 5.373–430). Once again, as I have remarked above, it is not clear from his text whether these various issues were raised as distinct questions by various participants in the original oral disputation, as one would expect in a quodlibetal disputation, or whether they were simply prompted by difficulties surrounding the two main questions, as Godfrey's text seems to imply. Without revisiting all of these discussions, suffice it to recall here that Godfrey's lengthy discussions of some of these difficulties could have originated as individual disputed questions

which he subsequently gathered together into this larger question, or they could have originated as individual questions proposed by those attending a quodlibetal disputation. Troubling for either hypothesis is the fact that Godfrey has introduced them as arguments that were raised because of difficulties concerning other questions.

Uncertainty about this is reflected by efforts made by different medieval scribes or readers to divide *Quodlibet* XIV into appropriate parts which, as Pelzer has pointed out, have been inscribed in the margins or elsewhere either as questions or as conclusions. Pelzer offers illustrations of each of these procedures from two Vatican Latin manuscripts, 1031 and 1032, and has helpfully reproduced them (PB 14.225–26). I would note, first, that neither of these divisions is literally present in Godfrey's text itself, and second, that different criteria are used to set them up. The marginal divisions used in MS 1031 break this *Quodlibet* down into 26 *quaestiones*, and do this by presenting as questions what in fact appear in most cases in Godfrey's text as replies to arguments or objections against his position. But, according to Pelzer, the marginal notations in MS 1032 distinguish in this *Quodlibet* five articles with 69 conclusions. These conclusions are introduced not by "*Utrum*" (as are the *quaestiones* in the margins of 1031) but by "*Quod*."

In sum, there are many indications in medieval manuscripts containing *Quodlibet* XIV to the effect that it is indeed a quodlibetal question. Here one should also recall the scribe's *explicit* in Paris, BNF, lat. 15842 mentioned above. Moreover, according to Pelzer's study based on the number of *peciae*, *Quodlibet* XIV was included in the University stationer's listing of Godfrey's *Quodlibeta* of 25 February 1304, a list dating from a time when we know Godfrey was in Paris for a meeting concerning internal affairs of the Sorbonne on the following day (26 February).⁸⁰ It would seem likely that Godfrey would have been aware of the stationer's list and the inclusion of *Quodlibet* XIV as a *Quodlibet*.

On the other side, there are the references to it as a "long question" or as a "disputed question" by Bertram of Alen in the fourteenth century, as has been noted. And more challenging, at least in my view, are the difficulties detailed concerning the structure and organizing plan of this disputation as a whole.

⁸⁰ For references concerning the meeting about Sorbonne affairs and the University stationer's list see the Appendix.

What, then, should one conclude? In my view, *Quodlibet* XIV could indeed be a quodlibetal disputation, but one that is unique in terms of its organizing plan and internal structure. If it is, it could be that many of the issues presented in the written text as replies to objections or as objections did originally surface as independent questions raised by those attending. If so, Godfrey would have used a new device in imposing an organizing plan on them, namely, by connecting them with objections or arguments raised either directly or indirectly against one or other of the two main questions he could distinguish, or at least as having some remote association with other difficulties in some way connected with these questions. Or it could be that the text as we now have it reflects much more closely the actual historical event—the first day's disputation. On this reading, two major questions were first proposed and then all the other issues did surface as objections, and replies to objections, as detailed above, perhaps because the presiding Bachelor lost some control over the oral proceedings. In his determined and written version Godfrey may have judged it best to follow the historical sequence more closely than he normally did in developing organizing plans for his other *Quodlibeta*.

On the other hand, it may have been some other kind of disputed question, although if so, an extremely unusual one. I have already indicated above why I think it unlikely that it was an earlier form of the *Sorbonica*. But perhaps it was a long ordinary disputed question. If so, again it is unusual in terms of its internal structure and organizing plan. Or perhaps it is a collection of shorter but independently disputed questions, gathered together so as to seem to form one long disputed question. If so, the same difficulty remains of explaining how so many originally independently disputed questions were transformed into objections and replies to objections. In sum, it seems to me that the difficulties involved in viewing it as one or as a collection of independently disputed questions are as great if not greater than those involved in regarding it as a quodlibetal disputation. Given all of this, I would suggest as a more likely or more probable conclusion that it was indeed a quodlibetal disputation, but one that is unique in terms of its organizing plan and structure. However, I claim no certainty for my view.

Appendix

In a recent study Antonie Vos claims (against Glorieux and myself) that because the University of Paris was closed during the 1303–04 academic year, Godfrey could not have conducted his *Quodlibet* XV then but only during the following academic year, i.e., 1304–05. See his “Duns Scotus at Paris,” in *Duns Scot à Paris 1302–2002*, O. Boulnois, E. Karger, J.-L. Solère, and G. Sondag, eds. (Turnhout 2004), pp. 15–17. My major concern in my earlier discussions of this was (and still is) to show that Godfrey’s *Quodlibet* XV must be subsequent to Gonsalvus of Spain’s Disputed Questions of 1302–03 (see *The Metaphysical Thought*, pp. xvi–xvii, and “Godfrey of Fontaines: The Date of *Quodlibet* XV,” *Franciscan Studies* 31 [1971], pp. 300–69). Hence it could have been disputed in 1304–05 rather than in 1303–04 and so I would now date it ca. 1303–04 (see “Godfrey of Fontaines at the University of Paris,” p. 379). Nonetheless, Vos offers no evidence in the article in question to prove that the University was closed during the 1303–04 academic year. It is well known that on 15 August 1303 Pope Boniface VIII suspended the power to grant the licentiate in theology and in canon and civil law from those in the Kingdom of France who had that power (*CUP* II, no. 636) and that on 18 April 1304 Pope Benedict XI restored that power (*CUP* II, no. 645). But there is no indication in either of these documents that many Masters, i.e., those who had signed in support of the king, could not and did not continue to teach during that period. Indeed, Benedict’s document indicates that some may have ignored the prohibition by Boniface VIII and continued to grant the licence to teach during this period: “Quod si forsan aliqui huiusmodi suspensione durante in iure ac facultate praedictis licentiatii fuerint per eosdem, quod actum per eos extitit in hac parte, ratum nichilominus sit et firmum, ac si eadem suspensio nullatenus processerit” (ibid.). Moreover, on 4 November 1303, Pope Benedict granted to Thomas of Bailly a petition enabling him to accept a priestly benefice and to continue teaching in the Faculty of Theology at the same time by using a vicar to administer his benefice (*CUP* II, no. 637). Godfrey himself is known to have been present at a special meeting concerning internal affairs of the Sorbonne on 26 February 1304 (see Glorieux, *Aux origines de la Sorbonne. I. Robert de Sorbon* [Paris 1966], p. 206). The University stationer’s list of books along with their rental fees was issued 25 February 1304, along with the names of several Masters

who were authorized to attend to this (*CUP* II, no. 642). And on 2 April 1304, Pope Benedict wrote to the Chancellor at Paris and ordered him to grant the license to teach (*regere et docere*) to two candidates who had fulfilled the necessary requirements, Boniface's suspension of the power to grant this licentiate notwithstanding (*CUP* II, no. 643). All of these events make perfect sense if the University was indeed functioning as normally as it could in the absence of those who had refused to sign the document supporting the king against Pope Boniface. And so, unless Vos has found some other documentary evidence to prove that the University was closed during this period, I think it best to continue to date Godfrey's *Quodlibet* XV as ca. 1303–04.

A NORMATIVE POWER IN THE MAKING:
THEOLOGICAL *QUODLIBETA* AND THE AUTHORITY
OF THE MASTERS AT PARIS AT THE END OF
THE THIRTEENTH CENTURY

Elsa Marmursztejn

In the thirteenth century the authority of the Parisian masters largely rested on the university's prestige, in particular on the radiant influence of its Faculty of Theology. Among other sources, a passage from a sermon of Eudes of Châteauroux illustrates how the city was identified with the university that it hosted, which had become the symbol of its own splendor: "Your city is the mill in which all God's wheat is ground for the nourishment of the entire world; it is ground, I say, by the lectures and the discussions of the masters. Your city is the oven, and the kitchen, in which the entire world's bread is baked and this world's food is prepared."¹ Many other sources—letters or university statutes—allow us to grasp the institutional and collective dimension of the Parisian masters' authority. But if one considers that their authority lay more fundamentally and more specifically in intellectual activity itself, that is, in the individual exercise of thought, then one must seek this authority in their "ideological production." *Quodlibeta* have been indicated and employed for this purpose for a long time.² In fact, these disputations provided the masters with an opportunity to tackle quite a few questions concerning the specific nature, social utility, profits, and risks of their role. Their solutions recalled and established the norms and the goals of intellectual activity. By gathering various quodlibetal fragments, one can thus reconstruct a kind of "mirror of the masters," reflecting the features of

¹ P. Glorieux, "La faculté de théologie de Paris et ses principaux docteurs au XIII^e siècle," in *Aspects de l'université de Paris*, L. Halphen, ed. (Paris 1949), p. 34.

² J. Leclercq, "L'idéal du théologien au Moyen Âge," *Revue des Sciences Religieuses* 21 (1947), pp. 121–48; A.L. Gabriel "The Ideal Master of the Medieval University," *The Catholic Historical Review* 40.1 (1974), pp. 1–40; I.P. Wei, "The Self-Image of the Masters of Theology at the University of Paris in the Late Thirteenth and Early Fourteenth Centuries," *Journal of Ecclesiastical History* 46.3 (1995), pp. 398–431.

an intellectual, pedagogical and spiritual ideal. But what I would like to show here³ is that *quodlibeta* were not only “mirrors” built by the masters to whom the questions were directed, to attest to, justify or impose their eminent authority, but they were also the forum where a unique authority was constructed and exercised.

This authority is first and foremost a specifically intellectual authority, expressing itself in and through argument. Quodlibetal determinations actualize the masters’ capacity as arbiters summoned to decide between opposing arguments brought up during the course of the debate. Displaying a clear normative character, these magisterial solutions are also very much expressed in the same way as judicial rules. Indeed, quodlibetal questions are distinguished by their resemblance to the legal *casus*. This way of teaching, widespread in the law schools at the end of the twelfth century, involved the exposition of a problem tied to a particular situation, and the solution was to serve as a model in all similar situations. In the wake of Raymond of Peñafort, who had founded the genre of the *Summae confessorum* as “traités de morale juridisée,”⁴ the authors of confessors’ manuals likewise employed the method of the *casus*. The strong presence of questions resembling *casus* in Parisian *quodlibeta* from the second half of the thirteenth century, however, demonstrates that the discussion of practical cases was not confined to penitential literature. Indeed, from the onset of the century, theologians had gradually worked the consideration of concrete situations into their teaching.⁵

The scale and the diversity of the questions that were treated, moreover, indicates that, at the time, university theologians claimed a kind of universal authority. From the doctors’ own worth to the possibility of escape for those condemned to death, through the payment of tithes, the plurality of ecclesiastical benefices, marriage, vows,

³ As I attempted to do in my doctoral thesis, written under the direction of A. Boureau and defended in December 1999 at the EHESS (Paris): “Un ‘troisième pouvoir’? Pouvoir intellectuel et construction des normes à l’université de Paris à la fin du XIII^e siècle d’après les sources quodlibétiques (Thomas d’Aquin, Gérard d’Abbeville, Henri de Gand, Godefroid de Fontaines).”

⁴ P. Michaud-Quantin, “Sommes de casuistique et manuels de confession au Moyen Âge (XII–XVI siècles),” *Analecta Mediaevalia Namurcensia* 13 (1962), p. 40.

⁵ Even if not necessarily all the practical questions are of *casus*. L.E. Boyle for example notes that Thomas Aquinas’ *Quodlibeta* contain quite a large number of practical questions, but no question-*casus*; see “The *Quodlibets* of St. Thomas and Pastoral Care,” in idem, *Pastoral Care, Clerical Education and Canon Law, 1200–1400* (London 1981), p. 246.

rents, commercial profit, royal taxation, anti-usury legislation, or punishment for theft—the questions put to the masters under the rubric of sin suggest that they had the capacity to intervene in all fields. They expressed the intellectuals' vocation and universal competence to criticize and to propose, even to judge, all things.⁶ Conceived in this way, the authority of the masters appeared as a form of “intellectual jurisdiction” whose scope coincided—ideally, at least—with that of Christian society, and whose exercise contributed to affirming the theologians' intellectual mastery over the whole Christian world. The evolution of the representations of power at that time probably accounts for this ambition—and its perception by some contemporaries—at the end of the thirteenth century: the twofold Gelasian scheme was enriched by a third term, *Studium*, which assumed the rank of universal power alongside *Sacerdotium* and *Regnum*.⁷

The claim to this form of mastery was not without consequences: the masters meant to control the norms established by the lay and ecclesiastical authorities. Moreover, by claiming mastery over the principles that allowed them to evaluate the norms produced by the popes, bishops or lay princes, the theologians suggested that they themselves had the competence to produce norms. That intellectuals were producers of norms is, on the face of it, nothing new. Working for the salvation of souls by elucidating Scripture and elaborating a doctrine that was passed on through preaching, they had the task of determining the norms of belief and behavior that evangelical law, conceived as a *lex gratiae* or *lex libertatis*, had not made explicit. What changed in the thirteenth century is that scholasticism provided a context for the production of rational norms constructed and, especially, disseminated—though not exclusively—via an exercise which perfectly embodied the scholastic ideal of contradictory investigation, namely the quodlibetal disputation.

Among the Parisian masters of the second half of the thirteenth century, four great theologians stand out for the scale of their quodlibetal production and for the importance of this production in their

⁶ See A. Boureau, “Intellectuals in the Middle Ages, 1957–1995,” in *The Work of Jacques le Goff and the Challenges of Medieval History*, M. Rubin, ed. (Woodbridge 1997), pp. 151–2.

⁷ See H. Grundmann, “*Sacerdotium-Regnum-Studium*. Zur Wertung der Wissenschaft im 13. Jahrhundert,” *Archiv für Kulturgeschichte* 34 (1951), pp. 5–21.

œuvre.⁸ Gerard of Abbeville, Thomas Aquinas, Henry of Ghent, and Godfrey of Fontaines made the *quodlibet* a regular mode of instruction and a privileged means to disseminate their doctrine. Moreover these authors, who belonged to two successive generations of theologians, had a close and complex relationship.

Gerard of Abbeville (†8 November 1272) and Thomas Aquinas (†7 March 1274) are exact contemporaries. The biography of Gerard, well known for his involvement in the struggle against the mendicants and for his bequest of a library of more than 300 volumes to the collège de Sorbonne, is otherwise rather obscure. A few official documents, published in *Chartularium Universitatis Parisiensis*, provide the only traces of his rapid rise in his ecclesiastical career.⁹ Besides, in articles published in the 1930s,¹⁰ Glorieux noted that Gerard of Abbeville owed his notoriety above all to the stature of his adversaries, since the master and his partisans, the *Geraldini*, were the principal opponents of Thomas Aquinas during his second period of teaching at Paris, between 1268 and 1272. On the orders of his superiors, Aquinas had even been forced to leave Rome for Paris to see to the defense of the Dominican Order, under renewed attack by the seculars. In the 1260s, Gerard was, along with Thomas, the only master to have maintained the rate of two quodlibetal disputations a year. These *Quodlibeta* constitute a major portion of his writings, which otherwise consist of polemical treatises, disputed questions and sermons.¹¹

Henry of Ghent (master of theology from 1276) and Godfrey of Fontaines (a student of Henry of Ghent before becoming his colleague in 1285) belong to the following generation. Their *Quodlibeta* run in parallel from the mid-1280s to the early 1290s. It is thus possible to compare their respective positions. In complete agreement on the question of the mendicants' privileges and, because of that,

⁸ With the notable exception of Aquinas, whose *œuvre* is otherwise considerable, but also better known. For full bibliographical information on the published *Quodlibeta* of Thomas Aquinas, Henry of Ghent, and Godfrey of Fontaines, see the chapters above by White (n. 6), Porro (n. 1), and Wipfel (n. 1) respectively.

⁹ See P. Grand, "Le *Quodlibet* XIV de Gérard d'Abbeville. La vie de Gérard d'Abbeville," *AHDLM* 31 (1964), pp. 207–25.

¹⁰ See P. Glorieux, "Les polémiques *contra Geraldinos*," *RTAM* 6 (1934), pp. 5–41; idem, "Pour une édition de Gérard d'Abbeville," *RTAM* 9 (1937), pp. 57–8.

¹¹ For the list of Gerard of Abbeville's works, see Grand, "Le *Quodlibet* XIV de Gérard d'Abbeville," p. 219.

on papal power, the two theologians nevertheless adopted divergent stances on the condemnation of 1277. Henry was a member of the commission of theologians that the bishop of Paris, Etienne Tempier, assigned to investigate the errors taught in the Faculty of Arts. On 7 March 1277, this investigation concluded in the condemnation of 219 propositions. In contrast, in the 1290s, Godfrey became the spokesman of those demanding at least the partial appeal of the decree of 1277, on the grounds that it was harmful to both intellectual progress and university cohesion. It is in this context, perhaps, that we can best grasp Godfrey's originality and independence: his determined opposition to the mendicants did not prevent him from defending in a qualified way the philosophical positions of Thomas Aquinas, showing that they were, *de facto* and *de iure*, beyond the scope of Tempier's condemnation.¹²

The chronological framework fixed by the selection of these four authors coincides with a phase of intellectual life largely shaped by the quarrel between mendicants and seculars and by the condemnation of 1277. Thus, it allows us to appreciate the vigor of the scholastic debates. By a comparative reading of their *quodlibeta*, one can see the disagreements, the retorts, the allusions, the echoes, the reversals, and the rebounds that formed the very stuff of Parisian intellectual life in the second half of the thirteenth century. What is essential, however, is undoubtedly not so much the collision of the masters' opinions as the common principles that emerged from it—principles that, as we shall see, contributed both to establishing and to building the specifically intellectual authority of the Parisian theologians of the thirteenth century.

Quodlibeta as a "Mirror of the Doctors"

Quodlibeta gave rise to many questions about the nature of the masters' intellectual function, their social responsibility and the authority of their discourse. They are the texts by which the actors strove to analyze their own actions,¹³ that is, in this case, they are the masters' own expressions of their status of authority. One can derive

¹² F.-X. Putallaz, *La connaissance de soi au XIII^e siècle. De Matthieu d'Aquasparta à Thierry de Freiberg* (Paris 1991), pp. 259–64.

¹³ See M. Gauchet, *La condition historique* (Paris 2003), p. 189.

from quodlibetal determinations the outlines of a very high intellectual ideal, which betrays the existence, among the Parisian masters of the second half of the thirteenth century, of a genuine intellectual consciousness, a consciousness that their role was special and preeminent.

The Autonomy of the Intellectual Function

The reflection carried out in the *quodlibeta* promotes a claim to the autonomy of knowledge and the independence of the intellectual function from any type of institution. This idea appears very clearly in quodlibetal questions concerning the masters' competence, and more precisely concerning the requirements for obtaining the *aureola* of the doctors.¹⁴ After Thomas Aquinas, who had treated the matter in 1271, Henry of Ghent distinguished the act of teaching (*actus docendi*) from the status of being master (*status magisterii*), in a question from December 1277. He maintained that the function prevailed over the title.¹⁵ The reception of the *aureola* was thus linked to the effective transmission of knowledge and not to the degrees that the institutions conferred haphazardly:

He who teaches others with the words of the sermon or the *lectio* in order to lead them to eternal salvation by the way of truth, whatever status he may have, master or not master, earns the *aureola* of the doctors. For in such matters, the act is esteemed more than the status . . . That is why I believe that, even if he were not absolutely worthy of the rather difficult status of doctor, which is that of the masters of theology, nevertheless, if he accomplishes the tasks of preaching and teaching well anyway, he would obtain the reward of the *aureola*. On the other hand, if, because he was not regarded as worthy to be promoted to the rank of master, he were prevented from having either the place or the opportunity to teach—even if he had the goodwill to teach others, and even if by that goodwill he obtained, as I believe, the essential reward—he would not receive the *aureola*, because the will alone is not enough, but the act, as I see it, is required.¹⁶

¹⁴ On the distinction between *aurea* (designating the essential beatitude that all saints enjoy in the afterlife) and *aureola* (the accidental reward of martyrs, virgins, and teachers), see Ex. 25:23–25. The notion of *aureola* reached maturity in Bonaventure, *In IV Sent.*, d. 33, q. 3, a. 2, *Commentaria in quatuor libros Sententiarum*, vol. IV (ed. Quaracchi 1889), p. 756.

¹⁵ The question, treated in 1295–96 by Rainier of Clairmarais, attests to the longevity of this solution. See Wei, "Self-Image of Masters," p. 403, n. 17.

¹⁶ Henry of Ghent, *Quodl.* II, q. 12, ed. R. Wielockx (Louvain 1983), p. 79.

The idea that the *aureola* rewarded the act of teaching and not intellectual competence (which could exist without ever being actualized in real teaching) is a good witness to the care that the masters had for pedagogical and doctrinal efficacy, that is, for the practical and social efficacy of their teaching. As a final appeal, Henry of Ghent called into question the idea that the judgments of the Church Militant were necessarily in conformity with those of the Church Triumphant:

To the argument to the contrary, according to which “the Church Militant does not judge someone worthy of being promoted to the rank of master, therefore the Church Triumphant does not consider him worthy of the masters’ reward,” one should say that if anyone is, all things considered, worthy of being promoted to the rank of master and he is not promoted with the others, I believe that this is an error by the one who did not promote him.¹⁷

Henry of Ghent’s stance, at the time the text was written, was not purely theoretical. As a matter of fact, in March of 1277,¹⁸ 51 articles from the Augustinian Giles of Rome’s commentary on book one of the *Sentences* were censured. Giles was then a formed bachelor. The bishop of Paris, Etienne Tempier, failed to obtain Giles’ retraction of the articles in question. He could not excommunicate Giles because the Hermits of Saint Augustine had been exempt from episcopal jurisdiction for two decades. Therefore, he had his chancellor refuse Giles the license. Thus, at first glance, it seems possible to read Henry of Ghent’s quodlibetal text as supporting Giles of Rome, *dignus licentiarī*, but deprived, at the time, of the title that he obtained only in 1285.¹⁹

This hypothesis, formed by Glorieux,²⁰ was rejected by Robert Wielockx, who on the contrary interprets the censure of Giles of Rome as the result of his deep personal and doctrinal differences with Henry of Ghent. In fact, the Faculty of Theology—and at its core Henry of Ghent—largely contributed to Giles’ censure, even if this was above all the work of Bishop Tempier. Therefore, Pope Honorius IV’s intervention, which Giles sought in 1285, and the rehabilitation of a certain number of his articles by an assembly of

¹⁷ Ibid.

¹⁸ Between 7 and 28 March 1277, according to R. Wielockx, *Aegidii Romani Apologia*, in *Aegidii Romani Opera Omnia*, III.1 (Florence 1985), pp. 77–88.

¹⁹ On this point, see Wielockx, *Aegidii Romani Apologia*, pp. 173–5 and 219–23.

²⁰ Glorieux I, p. 90.

masters that convened to receive his retraction and thus to permit his magisterial promotion, sound like a repudiation of Henry of Ghent. The turnover of teaching personnel, and in particular the coming of Godfrey of Fontaines to the duties of regent master, probably explain the new stance that the assembly of doctors adopted in 1285. Robert Wielockx's illumination makes it possible to understand better the quodlibetal question from December 1277: in accordance with the common opinion of the theologians of his day, Henry reaffirmed that the doctors' *aureola* was due to their intellectual practice, not their official status. Nevertheless, he who, deprived of the title of master, was *ipso facto* unable to teach, could not receive the *aureola*. And it was this very incapacity to teach that struck Giles of Rome, because his condemnation, which brought disciplinary measures against specific people, entailed a punishment that was binding everywhere, and not only in the territory subject to the jurisdiction of the bishop.²¹ Henry's position on the question did not invalidate the principle according to which the special sanctity of the master derived from his function, not from his position.

In claiming for themselves the *aureola* of the doctors, the theologians supported the conjoining of *Studium* and *Sanctitas* characteristic of the thirteenth and fourteenth centuries. As some canonization processes attest,²² the Church then esteemed knowledge to the point of establishing intellectual practice as a constitutive component of holiness. Still, one has to await the bull for Thomas Aquinas' canonization, in 1323, for the true shift of emphasis from the virtues of the man to the zeal for study and the doctrinal *œuvre* of the master. The theological production of the last third of the thirteenth century thus anticipated somewhat the bringing together of learning and sanctity which clearly accounts for the inclusion of intellectual work among the things valued positively by the Church in the next century: henceforth, the figure of the doctor could also be that of a saint.²³ However, whereas the Church acknowledged to the masters

²¹ See Wielockx, *Aegidii Romani Apologia*, pp. 71 and 117.

²² See A. Vauchez, "Culture et sainteté d'après les procès de canonisation des XIII^e et XIV^e siècles," in *Le scuole degli ordini mendicanti (secoli XIII-XIV)* (Todi 1978), pp. 153-72, and *La Sainteté en Occident aux derniers siècles du Moyen Âge d'après les procès de canonisation et autres documents hagiographiques* (Rome 1981), pp. 460-72.

²³ A reversal occurs around the turn of the 15th century; popular spirituality and religious movements reject learning in favor of the profane; sanctity flourishes among men and women who are strangers to learned culture; see Vauchez, "Culture et sainteté," p. 172.

that it discerned a holiness of an institutional kind, according to a process analogous to that of the granting of university degrees, the masters claimed a holiness of a functional kind, obtained independently of any institutional sanction. These quodlibetal questions about the *aureola* of the doctors thus introduce an essential idea: the mediation the masters claimed to exercise did not resemble sacerdotal mediation, because it concerned knowledge, not an institution.

Under these conditions, what about the academics' position with respect to the Church? From a certain point of view, the university was an institution of Christendom—the institution of decyphering the truth that the papacy intended to place in the service of Christian orthodoxy. But the people of knowledge wanted to distinguish themselves from the people of the Church, and they explicitly claimed that their function was special and superior, as a quodlibetal question determined by Thomas Aquinas in 1270 attests: Can one ask for the license in theology for himself?²⁴ This question immediately provoked the comparison between the functions of master and prelate. If the master and the prelate were both ministers of the divine word, they were distinguished insofar as the knowledge of the master existed before his title, while the capacity of the prelate lay in his title itself and only began to exist with it. Consequently, he who asked to be prelate targeted power itself as an end, while he who sought the license only aspired to transmit the knowledge that he possessed and that, moreover, he knew he possessed: “because one can know with certainty that he has the knowledge that makes him ready to teach; on the other hand, no one can know with certitude that he has the charity that makes him suited to exercise a pastoral office.”²⁵

The Social Utility and Responsibility of the Masters

Postulating this difference in nature between the function of the prelate and that of the master, the theologians also laid claim to the exclusive capacity to train the clergy. The many quodlibetal questions about the need for training prelates and priests in theology, or about the utility of competence in theology for administering a particular church, or even the Church as a whole, allowed the masters

²⁴ Thomas Aquinas, *Quodl.* III, q. 9, in *Sancti Thomae de Aquino Quaestiones de quolibet*, ed. R.-A. Gauthier (ed. Leonine, 25) (Rome-Paris 1996), vol. II, pp. 251–2.

²⁵ Thomas Aquinas, *Quodl.* III, q. 9, ed. Gauthier cit., vol. II, p. 253.

to articulate the idea of the practical efficacy of theology and that of their social responsibility—in other words, to build the image of their own social indispensability.

Asked about the abilities required for exercising the highest offices of the Church, the theologians could thus defend their positions, in competition with the canon lawyers since the middle of the twelfth century, and affirm their role in the training of the Church elites. This is precisely what Godfrey of Fontaines does in 1293 or 1294, when he answers the question whether a good lawyer or a theologian would be most suited to administer a church: the prelate, essentially devoted to the spiritual administration of his church, had to be trained in theology to know how to preach and to administer the sacraments for the salvation of the souls entrusted to him. It sufficed for him to delegate to qualified men the temporal tasks that were secondarily his responsibility. Godfrey of Fontaines deplored the inversion of priorities, in a Church that seemed less and less concerned with governing souls than with administering its temporal property, and that was beginning to look like a well-developed juridical organization, headed by an absolute monarch. In this respect, perhaps Godfrey's text is a kind of response to the reprimand that the legate Benedict Gaetani had addressed, at the Council of Paris of 1290, to the theologians who intervened in the mendicant controversy.²⁶ Admittedly, Godfrey's text dates to a period in which the papal throne was vacant (between the death of Nicholas IV, 4 April 1292, and the election of Celestine V, 5 July 1294). But Benedict Gaetani—who was above all a lawyer—was at the time one of the men most likely to become pope, and he was probably the focus both of the question that was put to Godfrey of Fontaines and of the latter's determination.

As the structures of the Church became more juridical, while the popes readily entrusted the highest offices to canonists and relied on the *ius novum* in governing, the theologians' hostility to the lawyers was not the result of mere professional jealousy. The theologians declared that their criticisms were founded on a more spiritual ecclesiology, related to the essential requirements of pastoral care. No doubt their hostility also showed what was at stake in the power

²⁶ James Long formed this hypothesis in "Utrum iurista vel theologus plus proficiat ad regimen ecclesie. A quaestio disputata of Francis Caraccioli. Edition and Study," *Mediaeval Studies* 30 (1968), p. 140.

struggle: if theology were relegated to the second level in the hierarchy of sciences, and if the highest prelates were trained and surrounded by lawyers, the theologians would lose their traditional role in the government of the Church.

On the other hand, they did not lay claim to such an essential responsibility in the education of simple priests. The idea that this could be limited to teaching the basics for fulfilling the duties of their ministry is rather common in the quodlibetal literature. To the question whether an ignorant priest sins mortally in receiving the care of souls, Gerard of Abbeville²⁷ responded in the negative: it was enough for a priest to be moderately educated. Moreover, in no case must one deprive an ignorant cleric of the benefice he had already received, because the scandal of his ignorance would be always less, in the eyes of the faithful, than that of his dissolute morals, and he could always delegate those tasks that his ignorance prevented him from accomplishing. In the same vein, in a quodlibetal determination from 1291,²⁸ Godfrey of Fontaines shows that the power of the keys does not depend on theological knowledge, insofar as it is conferred by the sacrament of ordination. Of course, the appropriate exercise of the power of the keys did require some knowledge, but a priest did not need to have the “eminent knowledge” corresponding to the knowledge of subtleties, which made it possible “to discern and to judge” but which was hardly necessary for pastoral tasks. Instead, the priest had to possess “enough knowledge for him to know what is subject to his judgment and what is not, and to know to doubt where he should doubt, to consult the more experienced, and to refer to his greater and superiors.”²⁹ Here the distinction between “eminent knowledge” and “enough knowledge” is fundamental. It suggests a hierarchy of degrees of knowledge, which Servais of Mont-Saint-Eloi had already established in a *Quodlibet* of 1267–68, in answering the question whether a confessor can distinguish a mortal sin from a venial one:³⁰ only the masters and the highest prelates

²⁷ Gerard of Abbeville, *Quodl.* IV, q. 15, Paris, BNF, lat. 16405, ff. 52vb–53ra; BAV, Vat. lat. 1015, f. 51rb–va.

²⁸ Godfrey of Fontaines, *Quodl.* VIII, q. 14, ed. J. Hoffmans (Louvain 1924), pp. 136–7.

²⁹ Ibid. One finds this idea, among others, in the Franciscan Eustache of Arras, *Quodl.* III, q. 19 (ca. 1266), transcription by Leclercq from BAV, Borghese 139, f. 151ra–rb, in “L’idéal du théologien au Moyen Age,” pp. 127–8.

³⁰ Servais of Mont-Saint-Eloi, *Quodl.* VI, q. 69 (transcription by Wei in “Self-Image of Masters,” pp. 407–8, n. 23, from Paris, BNF, lat. 15350, ff. 284vb–285rb).

were capable of ruling on these difficult matters. An ordinary confessor, provided with a basic knowledge, ought above all to be able to identify the doubtful cases that did not fall under his competence.

The masters did not restrict themselves to establishing the conditions in which ignorant priests could perform their ministry properly. They also showed that the responsibility for this ignorance could not be imputed to the doctors. This common position rested on an explicitly hierarchical conception of the distribution and uses of knowledge. One finds a particularly clear version of this in Peter de Falco's determination of the early 1280s:³¹ the common good—and in this case, the common utility of the Church—requires that everyone do what he shows the greatest aptitude for doing, and thus that everyone teach what he has learned. So the more knowledgeable have to teach the more difficult aspects of the faith and of good morals; the less knowledgeable have to teach easier things and also what they learned from the more knowledgeable, being unaware of causes and unable either to demonstrate or to defend them. Between the two, those with an average knowledge have to teach things of average difficulty. Theologians who were limited to teaching the simpler things that their inferiors were able to and wanted to teach had made their own work useless. In a hierarchy where the theologians assigned themselves first place, that of the *maiores*, who taught *mediocres*,³² who in turn were charged with teaching the *inferiores*,³³ that is the parish clergy, the great masters represented an aristocracy of knowledge that had no duty to train the lower clergy. Thus one could not blame the ignorance of simple priests on the great masters. What emerges from this group of quodlibetal questions is that the masters, in virtue of their "eminent knowledge," positioned themselves in the category of "prelates," without direct contact with a "sacerdotal plebs"

³¹ Peter de Falco, *Quodl.* II, q. 15, ed. A.-J. Gondras, "Pierre de Falco. *Quaestiones disputatae de quolibet*," *AHDLMA* 41 (1966), pp. 228–30. On the dates, see Piron's chapter below.

³² Jacques Verger points out that many priests did not pass the level of the small grammar school. However, certain parish priests were former students without degrees who, for lack of means, had not been able to continue their *cursus*: these "intellectuels intermédiaires" were "ni créateurs ni même vraiment transmetteurs de savoir, mais [constituaient les] relais indispensables pour diffuser à une échelle suffisante . . . un certain nombre d'éléments venus de la culture savante et en assurer l'efficacité sociale"; see J. Verger, *Les Gens de savoir en Europe à la fin du Moyen Age* (Paris 1997), p. 165.

³³ Peter de Falco, *Quodl.* II, q. 15, ed. Gondras cit., p. 230.

which was to be educated just enough to recognize the need for deferring to the more knowledgeable “superiors.”

Some questions provoked a comparison of the intellectual and pastoral functions and provided the masters an opportunity to specify the terms in which they viewed their superiority. Above all, this involved the value, the utility and the efficacy of study and teaching, even devoting oneself to it exclusively and perhaps abandoning pastoral care for its sake.³⁴ Once again, *quodlibeta* show the masters' opinions developing in a context where canonical norms swung between contradictory requirements. Indeed, from the end of the twelfth century the Church attempted to reconcile the residence requirements imposed by the concrete obligations of the priesthood with the urgent necessity to improve the training of these priests, devoted to relaying on the local level the reform initiatives from the top of the Church hierarchy. At the end of this process, the bull *Cum ex eo*, promulgated in 1298 by Boniface VIII, testifies that the Church henceforth considered an exemption for studies as a means of supporting the training of the parish clergy.³⁵ At two points in the development of the canonical legislation, Gerard of Abbeville and Godfrey of Fontaines took part in the progressive movement to justify the temporary exemption of residence for the sake of study.³⁶ In so doing, they claimed to record an established fact, stated in the argumentation. But beyond simply ratifying the practice, the two

³⁴ See Gerard of Abbeville, *Quodl.* V, q. 6 (BNF, lat. 16405, f. 55va; BAV, Vat. lat. 1015, f. 75rb), and Godfrey of Fontaines, *Quodl.* XI, q. 10, ed. J. Hoffmans (Louvain 1932), pp. 51–3. Thomas Aquinas, *Quodl.* I, q. 14, ed. Gauthier cit., vol. II, pp. 194–7, and Henry of Ghent, *Quodl.* I, q. 35, ed. R. Macken (Louvain-Leiden 1979), pp. 195–202.

³⁵ *Sext.*, 1, 6, 34; *Corpus Iuris Canonici*, ed. E. Friedberg (Leipzig 1879; reprint Graz 1959), pp. 964–5; henceforth as (Fr. 964–5). See L.E. Boyle, “The Constitution *Cum ex eo* of Boniface VIII. Education of Parochial Clergy,” in idem, *Pastoral Care, Clerical Education and Canon Law* (London 1981), pp. 275–6.

³⁶ The context of Gerard of Abbeville's question is the extension of the provisions of the bull *Super speculam* (1219), which exhorted bishops to send their promising clerics to study theology at the university and gave them the right to enjoy the revenues of their benefices for five years; see *Liber extra*, 5, 5, 5 (Fr. 770–2). Godfrey's question is part of the wave of criticism formulated against the constitution *Licet canon*, which tried to remedy clerical absenteeism by instituting strict conditions of residence and brief time limits for ordination, on pain of the privation of one's benefice; see *Sext.* 1, 6, 14 (Fr. 953–4) and also the sharp critiques of Guillaume Durand around 1291–92, *In sacrosanctum concilium Lugdunense commentarius*, 12.35, ed. J. Moscard (Fano 1569), f. 46v.

theologians resorted to the principle of the “common utility” to show that “travel for study” was a legitimate reason for interrupting one’s pastoral ministry: the parish priest, equipped with “enough knowledge,” as mentioned by Godfrey of Fontaines in another context, was hardly useful except in his church. The cleric gifted for studies, who could nourish the hopes of increasing the ranks of the masters and of thus benefiting science itself, would be useful to the Church as a whole; therefore he should be able to entrust to someone else the burden of his flock and to attend the university.

In the *quodlibeta* of the time, the hierarchical scheme driving these developments is made quite clear by the frequent recourse to the Aristotelian metaphor of the architect and the worker.³⁷ From Thomas Aquinas to Servais of Mont-Saint-Eloi by way of Peter de Falco and Henry of Ghent, this metaphor illustrated the intellectual function’s superiority over the pastoral function and led to the essential qualification of theology as an “architectonic” science. As Aquinas established in a *quodlibetal* determination of 1269:

In any production whatsoever, he who lays out the plan—called the architect—is better absolutely than any worker who accomplishes the tasks according to the plan that the other laid out for him. That is why, in the construction of buildings, even though he made nothing with his hands, he who makes the plan is better paid than the manual workers who carve the pieces of wood and cut the stones.³⁸

Priests are compared to workers; theologians to the particular category of architects who “investigate and teach how others must work to save souls.”³⁹ Henry of Ghent explains the distinction between the intellectual and pastoral roles in the same terms:

The architect . . . teaches construction rules that the manual worker applies to the task according to the rules that were communicated to him. He often does not know the reasons for these rules, just as *rurales doctores*⁴⁰ and preachers are often unaware of the reasons for what they

³⁷ Aristotle, *Nicomachean Ethics* I, c. 1, 1094a9–16; VI, 1041b22–29; VII, 1152b1–3; *Physics* II, 194a36–b8; *Metaphysics* I, 981a28–b6; 981b30–982a1.

³⁸ Thomas Aquinas, *Quodl.* I, q. 14, ed. Gauthier cit., vol. II, pp. 194–5.

³⁹ Ibid. Bishops also form part of this category, but their specific function consists of “ordering” and “arranging” the way in which priests ought to perform their duty.

⁴⁰ J. Verger suggests translating this expression as “intellectuels de village”; like the *mediocres* mentioned by Peter de Falco, they correspond to the category of “intellectuels intermédiaires” (see *Les gens de savoir*, p. 165).

preach and teach, although they teach with confidence, because they know that they receive what they teach from the masters.⁴¹

Thomas Aquinas and Henry of Ghent paraphrase a passage of Aristotle's *Metaphysics*:

Men of experience know well that a thing is, but they do not know the why, while the men of art know the why and the causes. Again, for the same reason, we reckon that the leaders of an enterprise deserve greater consideration than the workers, and are more learned and wise: this is because they know the causes of what is done, while the workers are like inanimate things that act, but act without knowing what they are doing, in the way that fire burns . . . Thus, it is not practical skill that makes, in our eyes, the leaders wiser; it is because they possess the theory and know the causes . . . Also . . . one considers the man of art superior to the man of experience, the architect higher than the worker, and the theoretical sciences higher than the practical sciences.⁴²

Under these conditions, one must blame the doctor who, like a good architect abandoning the direction of a large construction site to go cut stones and prepare cement, abandons all intellectual activity to go shape the souls of simple folk.⁴³ On the basis of the principles of the common utility and of the optimal use of individual abilities, the masters established as a norm the common practice of the doctors who persevered in study rather than assume a pastoral charge. In this way, they simultaneously constructed the image of their social indispensability and that of their superiority in a hierarchy which only partially corresponds to the ecclesiastical hierarchy.

The questions that, in the same vein, invited them to compare disputation and preaching,⁴⁴ led them—for example Servais of Mont-Saint-Eloi—to liken disputation to an “architectonic art” and to liken preaching to a simple task of manual execution.⁴⁵ As Gerard of Abbeville also established, disputation was higher than preaching because it allowed one to determine the cause of things, to understand and to defend the faith, while preaching served only to instruct

⁴¹ Henry of Ghent, *Quodl.* I, q. 35, ed. Macken cit., p. 199.

⁴² Aristotle, *Metaphysics* I, c. 1, 981a.

⁴³ Henry of Ghent, *Quodl.* I, q. 35, ed. Macken cit., p. 199.

⁴⁴ See Gerard of Abbeville, *Quodl.* X, q. 1 (BNF, lat. 16405, f. 79va–vb; BAV, Vat. lat. 1015, f. 115rb–va); Servais of Mont-Saint-Eloi, *Quodl.* IV, q. 40 (transcription by Leclercq, “L’idéal du théologien,” pp. 129–30, and partially by Wei, “Self-Image of Masters,” pp. 418–19, nn. 41–6, from Paris, BNF, lat. 15350, f. 277va–b); Henry of Ghent, *Quodl.* XIV, q. 12 (ed. Paris 1518), ff. 569v–570r.

⁴⁵ See Servais of Mont-Saint-Eloi, *Quodl.* IV, q. 40.

simple people about the faith and good morals.⁴⁶ The Aristotelian metaphor thus illustrated the superiority of disputation over preaching just as that of the university intellectual over the simple priest. The comparison of disputation and preaching also provoked the related question about the methodological bases of the masters' authority. Asked about the respective roles of reason and authority in the determination of theological questions, Thomas Aquinas affirmed that the goal of university disputation was to instruct the listeners so that they arrive at an understanding of the truth. The roots of the truth could only be perceived by means of a rational investigation, which showed how what had been said was true. For this reason "naked authority" could not satisfy the requirements of the university disputation, "for if the master determined the question by means of naked authorities, the listener might be made certain that it were so, but he would not acquire any knowledge nor any understanding and he would walk away empty."⁴⁷ The methodology Aquinas advocates bears witness that disputation perfectly embodied the scholastic ideal of contradictory investigation. Through reason, the contents of the faith inculcated in the common faithful became accessible to the understanding of a small number. To the "emptiness" of the former was opposed the fullness of knowledge of the "wise few" who were able to dress the "naked authorities" in the habits of reason.

The Weight and Impact of Theological Teachings

Convinced of their intellectual superiority and of their social indispensability, the masters developed theories about the authority and the effects of their discourse. Theological *quodlibeta* of the second half of the thirteenth century provided the masters with many opportunities to elaborate and to refine these theories, especially about the need to silence, to suspend, or to retract their teachings, or, on the contrary, to profess them in spite of the risk of scandal, conflict, and censure. The texts reveal that the masters were conscious of and cautious about the impact of their teaching, whose spiritual effects they were most concerned about.

⁴⁶ See Gerard of Abbeville, *Quodl.* X, q. 1.

⁴⁷ Thomas Aquinas, *Quodl.* IV, q. 18, ed. Gauthier cit., vol. II, p. 340.

From this perspective Henry of Ghent, in a determination of December 1286,⁴⁸ justified a doctor not always explaining the truth that he knew, if that truth threatened to scandalize the simple folk to whom it would be transmitted and cause them spiritual harm. He recommended strict teaching rules: certainly the masters had the responsibility to manifest the truth, but first they had to evaluate how necessary, appropriate, or urgent it was to do so, and to adapt their teaching to the intellectual capacity of their listeners. Along the same lines, Godfrey of Fontaines admitted that a master, during a disputation, could put aside a "litigious question" provisionally, in order to spare the simple folk the spectacle of dissent among the great doctors, waiting for a more favorable moment to reveal the truth he had tactically withheld.⁴⁹ If, in spite of all his precautions, the master's teaching still caused a scandal, one could not blame him, since he was not, strictly speaking, the cause. On this point, Thomas Aquinas⁵⁰ agreed with the two seculars: certainly a master must be held to retract false doctrines, just as he had to explain more clearly a doctrine that was too abstract or too subtle, or too poorly explained, for his listeners to be able to understand. But his responsibility was limited to the effects of which he was strictly the cause. Moreover, his doctrine could not legitimately be censured or condemned on account of the danger to the faith that it presented, because if this danger proceeded neither from error nor from a defect in exposition, then it was due exclusively to the doctrine's reception, not to its production.

Here one touches upon another aspect of the theologians' theories about the impact of their teaching: they not only worried about its negative effects on simple folk, but they also feared the consequences for themselves in cases where, for example, they had offended the powerful, from whom they could expect reprisals.⁵¹ In 1290 the Parisian masters managed to offend the papal legate Benedict Gaetani: when they sent a delegation to demand the reinstatement of Henry of Ghent, whose lectures had been suspended, they were threatened

⁴⁸ Henry of Ghent, *Quodl.* X, q. 16, ed. R. Macken (Louvain 1981), pp. 304–7.

⁴⁹ Godfrey of Fontaines, *Quodl.* IV, q. 13, eds. M. De Wulf and A. Pelzer (Louvain 1904), pp. 274–7.

⁵⁰ Thomas Aquinas, *Quodl.* V, q. 25, ed. Gauthier cit. vol. II, pp. 191–2.

⁵¹ See Godfrey of Fontaines, *Quodl.* XII, q. 6, ed. J. Hoffmans (Louvain 1932), pp. 103–8.

with being stripped of their offices and benefices.⁵² Godfrey of Fontaines denounced these “powerful people” who sought, in addition, the support of academics “to promote their own opinions” and “to appease their evil desires.”⁵³ This is probably an allusion to the various commissions of censure that Etienne Tempier set up in 1277, commissions that testified as much to the bishop’s abuse of power as to the treason of the masters who, like Henry of Ghent, had served on them. Godfrey may also have been thinking of the consultation of November 1282, carried out under conditions that falsified its results: asked by the new Bishop Ranulph of Houblonnière about the need for repeating a confession, the masters answered unanimously in the negative,⁵⁴ which they certainly would not have done had they known about the privilege that Pope Martin IV granted to the mendicants in the bull *Ad fructus uberes*, promulgated on 13 December 1281.⁵⁵ The result of the consultation of 1282 was to affect the conflict between the mendicants and the seculars. Again in 1287, the prelates who led the struggle against the friars, failing to obtain a formal retraction from the masters,⁵⁶ nevertheless received from them an interpretation that deprived the friars of a significant argument.⁵⁷

Against the powers that tried to exploit the authority of the masters for their own profit, Godfrey of Fontaines brought up the obligation of the “doctor of the truth” who, “having the public duty of teaching the truth, is held to conform to distributive justice, which requires that in teaching the truth, he should distribute it in such a way that he teaches both the truth that touches the greatest men and that which concerns the smallest,” without privileging anyone. Because the theologians were invested with a responsibility toward the Christian community, which Godfrey compared in this case to the magistrates’ responsibility toward the social or civil community, it was necessary to blame those masters who “tremble where there

⁵² See H. Anzulewicz, “Zur Kontroverse um das Mendikantenprivileg. Ein ältester Bericht über das pariser Nationalkonzil von 1290,” *AHDLM* 60 (1993), pp. 286–91.

⁵³ Godfrey of Fontaines, *Quodl.* XII, q. 6, ed. Hoffmans cit., p. 106.

⁵⁴ See *CUP* I, p. 596, no. 510.

⁵⁵ The bull provided that confessions heard by mendicants would not have to be repeated to parish priests.

⁵⁶ The prelates ran up against the reservations of the masters, who said they wanted to seek the opinion of the other signatories of 1282; see *CUP* II, p. 13, no. 543.

⁵⁷ See Henry of Ghent, *Quodl.* X, q. 1, ed. Macken cit., pp. 17–18.

is nothing to fear and make up good reasons to keep silent when it is not the place to do so," whereas Scripture exhorts one to teach the truth, to declare it, and to shout it out⁵⁸—if necessary against the bishop, as Godfrey and Henry of Ghent showed in questions of 1290 and 1291.⁵⁹

The passage in Godfrey is one of those where the particular need for intellectual freedom after the Parisian condemnation of 1277 is expressed most clearly:

If a sure reason or authority showed that the prelate condemned as false and erroneous the true side, or if, without being absolutely sure, this side contained a probable truth so that, by reason of its probability, it could be maintained as probably true, or even that contrary positions could be held concerning it, it seems that such an excommunication and condemnation is erroneous, since through it the quest for and knowledge of the truth is impeded.⁶⁰

Godfrey of Fontaines did not recommend individual resistance, apart from cases of urgent necessity. However, he called for pressure on the bishop to revoke the condemnation and the threat of excommunication that accompanied it, because "although no harm on the level of salvation results from it, it brings harm to the perfection of the intellect, by preventing men from freely treating truths by which the intellect is perfected in no small way." But Godfrey went even further, by declaring that even if the opinion condemned by the prelate were actually false, the masters who considered it true and based this judgment on rational and scriptural arguments had to teach it if it seemed to them necessary for salvation.⁶¹ By admitting the possibility of disagreement between the truth and the teaching of the masters, Godfrey held a particularly advanced position, based on the idea of the primacy of the conscience, even erroneous. Error thus was a step in intellectual progress, which the silence imposed on the university debates ground to a halt. The entire problem was consequently evaluating the doctrinal power of the bishop, and the initial question was whether the masters could dispute it.

⁵⁸ Godfrey of Fontaines, *Quodl.* XII, q. 6, ed. Hoffmans cit., p. 107.

⁵⁹ Godfrey of Fontaines, *Quodl.* VII, q. 18, eds. M. De Wulf and J. Hoffmans (Louvain 1914), pp. 402–5; Henry of Ghent, *Quodl.* XV, q. 15 (ed. Paris 1518), ff. 593v–594r; see also Wei's text in "Self-Image of Masters," pp. 428–30, nn. 65–72, from ed. Venice 1613, vol. II, ff. 393r–394r.

⁶⁰ Godfrey of Fontaines, *Quodl.* VII, q. 18, eds. De Wulf and Hoffmans cit., pp. 403–4.

⁶¹ *Ibid.*, p. 404.

Henry of Ghent answers this question in 1291, by affirming that it is “absolutely licit and extremely advantageous” to dispute the power of the prelates, as long as one aims at true knowledge, which teaches the prelates the legitimate uses of their power and teaches their subjects the correct limits of the obedience owed to the former. Henry denounced the temerity of those who recommended an unconditional obedience to the commands of the superiors. To this blind faith in authority he opposed the attitude that St Bernard advocated: “You should not obey the things that you have understood as contrary to what God has instituted, and you should pose questions on this subject and seek by disputation the truth to which you believe they are contrary.”⁶² Henry concluded that no prelate should refuse to have his power discussed freely, otherwise he would show the fear that his power had in itself an insufficient basis. This thinking would be more in line with that of Mohammed, who had prohibited all argument in connection with his law, than that of Christ, Who, because He knew it was true, exposed His law to the free discussion of the believers and the unbelievers.⁶³

By answering the question whether the bishop of Paris, Simon Matifas, sinned in not correcting certain articles condemned by Etienne Tempier twenty years earlier, Godfrey of Fontaines was *de facto* disputing the power of a prelate.⁶⁴ He confirmed the ideal of free discussion that he had already defended in 1290: any restriction imposed on the practice of disputation would harm the truth that the censure claimed to protect. In fact, after 1277, intellectual activity and university relations were no longer governed by the search for truth, but by suspicion and fear of denouncement and excommunication. Moreover, Godfrey contested the scope of Tempier’s intervention: “Common laws should not be reckoned effective for determining questions—for that, they must have validity throughout the whole world—since these laws only have binding power in one place.”⁶⁵ Stripped of universal legal validity, Tempier’s condemna-

⁶² Henry of Ghent, *Quodl.* XV, ed. cit., q. 15, f. 594r. Henry of Ghent paraphrases Bernard of Clairvaux’s thoughts on monastic obedience; see *Ad Adam monachum, Sancti Bernardi Opera* 7, eds. J. Leclercq and H.-M. Rochais (Rome 1974), pp. 33–4. This advice evokes the function assigned to disputation by Peter the Cantor in *Verbum Abbreviatum*: “Nihil plene intelligitur, fideliterve praedicatur, nisi prius dente disputationis frangatur” (PL 205, 25).

⁶³ Henry of Ghent, *Quodl.* XV, q. 15, ed. cit., f. 594r.

⁶⁴ Godfrey of Fontaines, *Quodl.* XII, q. 5, ed. Hoffmans cit., pp. 100–5.

⁶⁵ *Ibid.*, p. 103.

tions could not be considered authoritative, and their value for argument thus turned out to be very weak. In fact, in 1325 it was the bishop of Paris, Etienne de Bourret, and not the pope, who cancelled the decree of 1277. Luca Bianchi noted, however, that Tempier's "syllabus" had been incorporated into the legislation of the Franciscans and the university statutes of Bologna, Vienna, Cologne, and Erfurt,⁶⁶ and that, in addition, it was not just interpreted as a restriction on teaching freedom, but as a real doctrinal condemnation. This interpretation of Tempier's decree did not prevent theologians from challenging the doctrinal power of bishops: Servais of Mont-Saint-Eloi challenged the principles of such a power in a quodlibetal determination of 1287–88;⁶⁷ in 1290, Godfrey of Fontaines dealt directly with the doctrinal powers of Simon Matifas. More jurist than theologian, according to Godfrey, the bishop of Paris was not able to judge properly the strictly doctrinal content of the propositions condemned by Tempier without resorting to a commission of theologians. If the persistent disagreements among the masters in connection with these articles seemed to justify the bishop's taking no decision, Godfrey pointed out that the bishop did have the power to annul the sentence of excommunication that had so heavily burdened Parisian intellectual life for two decades. Because the truth was now more evident, the bishop could correct a great number of articles without thereby repudiating Etienne Tempier.⁶⁸ This historicist and opportunist conception of the production of the truth had the advantage of justifying the bishop's intervention without harming episcopal authority.

Ultimately, *quodlibeta* provoked and expressed the masters' reflection on their role. They were a privileged means of expressing a common opinion that, made fast over a certain duration, strengthened by arguments from diverse sources, forged in discussion, reinforced by the repetition of the same themes, is not on the order of a simple

⁶⁶ See L. Bianchi, *Il vescovo e i filosofi. La condanna parigina del 1277 e l'evoluzione dell'aristotelismo scolastico* (Bergamo 1990), pp. 27–9; idem, "Censure, liberté et progrès intellectuel à l'université de Paris au XIII^e siècle," *AHDLMA* 63 (1996), pp. 82–3; idem, *Censure et liberté intellectuelle à l'université de Paris (XIII^e–XIV^e siècles)* (Paris 1999), pp. 214–15.

⁶⁷ Servais of Mont-Saint-Eloi, *Quodl.* VI, q. 61, ed. in R. Hissette, "Une question quodlibétique de Servais du Mont-Saint-Eloi sur le pouvoir doctrinal de l'évêque," *RTAM* 49 (1982), pp. 238–42.

⁶⁸ Godfrey of Fontaines, *Quodl.* XII, q. 5, ed. Hoffmans cit., pp. 103–4.

proposition. Fruit of the dialectical treatment of various authorities selected, classified, and arranged rationally in the scholastic manner, the magisterial determinations gave rise to reflexive norms, which make it possible to draw an ideal portrait of the masters based on their own representations: the themes of the preeminence and autonomy of their intellectual role, of the utility and the social responsibility of the masters, and of the impact of their teaching, participated in the construction of their authoritative status.

This authority was exercised outside the world of the schools, and the norms produced by the masters encompassed more than their intellectual role alone. In fact, *quodlibeta* reveal the specific interest theologians had in normative powers, be they ecclesiastical or lay. In some cases, the questions invited the masters to evaluate and to delimit the powers of the popes, bishops, or princes. These questions implied that the masters had the capacity to evaluate, nay to control—at least in pure theory—these various instances of normative power. Beyond that, they even suggested that they had the ability to produce norms. Because in the Middle Ages theology and normativity were closely linked, in asserting and showing their specific aptitude for grasping the principles of norms, the theologians expressed the idea of their own normative capacity.

The Normative Ambition of the Theologians

Theologians and Normativity

Fundamentally, the indetermination of the “new law,” conceived as the “law of grace” and the “law of freedom,” required that Christian norms be determined continuously and that they be so *usque ad finem mundi*. Thus, a passage from Henry of Ghent’s *Summa* relates that these norms, given “formally,” had to be established “materially” through the progressive explanation of Scripture.⁶⁹ They were thus determined, rather than created, by authors considered to be simple interpreters of the total and perfect law of the Gospel. Moreover, this conception formed the perspective of all medieval production of

⁶⁹ Henry of Ghent *Summae quaestionem ordinariam*, reprint of the 1520 Edition (New York 1953), vol. I, f. 69v.

norms. As a matter of fact, the powers based the universality of the norms that they enacted on the authority of the truth: the authority of royal legislation depended on the capacity of the sovereign to grasp this truth; the authority of canon law was based on the Church as an institution of the truth. In each instance, the truth made right. A norm was only legitimate insofar as it proceeded from divine or natural law. One encounters this idea, affirmed by the canonists and the theologians of the twelfth and thirteenth centuries, in Henry of Ghent who, in a determination of 1280 or 1281, denies the status of law to an unjust law, "because the justice of the law does not depend on the will of the legislator . . . but . . . on divine and natural law, to which it must conform even if it is established by an unjust legislator."⁷⁰ Godfrey of Fontaines expresses the same idea in a passage from 1289, where he maintains that "laws are right to the degree that they participate in the eternal law."⁷¹ Just as the norms of canon law, lay norms had to conform to divine law. The various types of medieval norms thus maintained close links with theology. Divine law, established formally, provided its own basis to human law. Human law was therefore constructed only indirectly on the foundations of knowledge. Thus its application was theoretically subordinated to people of knowledge, whose precise role consisted in advancing in the explanation of the truth identified with divine law. As some quodlibetal passages testify, theologians claimed to subject human norms to their control, in judging their conformity with the principles that grounded them and made their obedience compulsory.

A very short text from Godfrey of Fontaines, dating to December 1286,⁷² illustrates this claim. Regarding theologians' ability to intervene in domains reserved to papal jurisdiction, the question clearly demonstrated the concern for defining the theologians' place in the area of norms. It also gave a juridical connotation to the term *determinatio*, which in its strict sense did designate the scholarly activity

⁷⁰ Henry of Ghent, *Quodl.* V, q. 31 (ed. Paris 1518), ff. 209v–210r.

⁷¹ Godfrey of Fontaines, *Quodl.* VI, q. 18, eds. M. De Wulf and J. Hoffmans (Louvain 1914), p. 262.

⁷² Godfrey of Fontaines, *Quodl.* III, q. 10, eds. M. De Wulf and A. Pelzer (Louvain 1904), p. 218: "Can a doctor of theology determine what only pertains to the pope or maintain an opinion different from that of the pope, by basing himself on doubts that can arise from the norms that he alone has the qualification to produce?"

most strongly expressing the masters' authority, simultaneously intellectual and institutional, but which only offered a doctrinal solution deprived of a binding nature. At the height of the quarrel between the mendicants and seculars, this question had nothing abstract about it. Vis-à-vis the mendicants, who "were only able to justify their ministry by a mission and jurisdiction received from the pope, and by a theology of universal and immediate authority from him,"⁷³ this text put "in question" the exclusivity of the papal jurisdiction in certain matters. One of the arguments suggested that the norms produced by the pope could give rise to doubt and consequently to theological inquest, "for investigating doubts is the role of reason, which should also judge and determine them after looking into them."⁷⁴ Thus the argument linked closely the capacity to reason with the right to intervene in the domain of norms. So, theologians were able to claim a particular aptitude to dissolve the doubts that papal norms might cause, even to deal with cases reserved for the pope. It seems, ultimately, that the status of the masters' authority was largely built on the claim of this competence to judge the rationality and thus the legitimacy of human norms, be they secular or ecclesiastical in origin.

The Evaluation of Ecclesiastical Norms and Normative Powers

The quodlibetal literature testifies that the theological debates over the papal power to act on the law focused primarily on the question of dispensation. They continued the canonists' discussion of the pope's normative supremacy. The canonists had admitted that the pope could dispense, just by his will, with a norm that he himself had established, because, as Hostiensis wrote, relaying the opinion expressed by Gratian more than a century before, "if it is a voluntary constitution that was the cause of a prohibition, consequently only a will to the contrary will be the cause of the suspension of the prohibition, since one who established something has the power to destroy and to interpret it."⁷⁵ It was still necessary to explain the

⁷³ Y.-M. Congar, "Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e," *AHDLM* 28 (1961), p. 99.

⁷⁴ Godfrey of Fontaines, *Quodl.* III, q. 10, eds. De Wulf and Pelzer cit., p. 218.

⁷⁵ Hostiensis, *Lectura in quinque libros decretalium* (Venice 1581; reprint Torino 1965), p. 263.

cases where the pope seemed to have given dispensation for norms that explicitly proscribed this possibility for themselves.

The questions whether the pope could grant a dispensation in the case of bigamy and whether he could dispense someone from a vow constitute limit cases that, in spite of their apparent futility and marginality, gave rise to much controversy. The question whether the pope could grant dispensation to a bigamist⁷⁶ in order for him to attain holy orders belongs to the long debate on the pope's power to dispense with the *regula apostoli*.⁷⁷ This rule, which established the criteria of rank, jurisdiction, and worth of the ministers of the Church, had, since the early Church, held a central place in the part of canon law relating to ordinations. The Church Fathers had interpreted it by showing that man "divided his flesh" with a second marital union. This could no longer represent the mystical union of Christ with the Church, and thus it lost its full sacramental significance. Insofar as it was an irregularity *ex defectu sacramenti*, bigamy did not arise from an offense, but from the absence of a quality that was required for the worthy exercise of the priestly ministry. It was distinguished from an impediment by its perpetual character: if a man had been ordained without having the required knowledge, it was enough for him to be taught for the impediment to be removed. But a man married twice could not make it so that his second marriage had not existed. If the irregularity itself could not disappear, could the Church grant a dispensation, that is, to make it so that "what was the law is no longer the law in this case"?⁷⁸

It fell to Thomas Aquinas, in a *Quodlibet* of 1271,⁷⁹ to solve the apparent contradiction between the apostolic precept that prohibited the promotion of bigamists to holy orders and a case of papal dispensation, inserted into Gratian's *Decretum*, which allowed, by virtue of a special indulgence of the pope, for a bigamist ordained without regard for the required conditions to keep his office, without however allowing him any hope for promotion.⁸⁰ The question invited

⁷⁶ Whoever had successively contracted and consummated two legal marriages was considered a bigamist and unable to attain holy orders; see J. Vergier-Boimond, "Bigamie," *Dictionnaire de Droit Canonique*, 2, col. 854.

⁷⁷ I Tim. 3:2; Tit. 1:6.

⁷⁸ Thomas Aquinas, *Summa theologiae*, IIa IIae, q. 88, a. 10, ad 2, ed. Leonine, 9 (Rome 1897), p. 263.

⁷⁹ Thomas Aquinas, *Quodl.* IV, q. 13, ed. Gauthier cit., vol. II, pp. 333–4.

⁸⁰ Grat. 50, 56 (Fr. 199).

him to delimit the areas of papal intervention and to determine his power to act with respect to the law according to degrees of constraint that were tied to the origin—human or divine—of the law. Aquinas postulated that the pope could only dispense with what concerned human or positive law. Indeed, Christ had allowed for ceremonial or legal precepts of the “new law”—which pertained to human law alone—to be freely determined by Christian prelates and princes. Insofar as not promoting bigamists to holy orders obviously concerned solely a “determination of the divine cult,” Aquinas admitted that the pope was able to grant a dispensation to a bigamist. In this case, the Apostle Paul had ruled *propria auctoritate* concerning the qualities required of the Church’s ministers: “His prohibiting the promotion of bigamists [to holy orders] does not pertain to divine law, but is an institution of human authority that was divinely conceded to him.”⁸¹ In contrast to the canonists, who had answered and continued to answer the question by showing that every pope had a jurisdictional power higher than the Apostle Paul’s,⁸² Aquinas the theologian determined the nature of the norm. He attempted to distinguish what, in the *regula apostoli*, pertained to divine or natural law from what pertained to a purely human institution. In distinguishing these two levels of apostolic normativity, Aquinas went beyond the idea of dispensation *contra Apostolum* invoked by the canonists. Moreover, in dealing more with the nature of the law than with the power of the legislator, he placed his analysis before that of the lawyers, on principles, foundations, and causes. In qualifying the norms, he also brought up the limits of papal jurisdiction: this was strictly confined to the domain of justice delegated by God, that is, to the domain of human and positive law. In favor of the papal power of dispensation in the particular case submitted to him, Aquinas ultimately contributed to reaffirming the limits of the normative power of the pope. The pope’s “plenitude of power” in no way enabled him to dispense with anything but the norms of positive law, or more exactly with the norms whose pertinence to positive law the

⁸¹ Thomas Aquinas, *Quodl.* IV, q. 13, ed. Gauthier cit., vol. II, p. 334.

⁸² See Huguccio, *Summa*, 34.18, cited by S. Kuttner, “Pope Lucius III and the Bigamous Archbishop of Palermo,” in idem, *The History of Ideas and Doctrines of Canon Law in the Middle Ages* (London 1980), p. 425, n. 67. See also Hostiensis, *Summa aurea* (ed. Lyon 1556), f. 60vb, citing the decretal “Innotuit” of Innocent III, a student of Huguccio, *Extra*, 1, 6, 20 (Fr. 62).

theologians had the task of determining, in virtue of a sort of “plenitude of knowledge.”

The problem of the dispensation from a vow—and in particular of the contradiction between a vow of chastity and marriage—constituted another significant angle of attack in the investigation of the pope’s normative power. Gerard of Abbeville determined twice, around 1266⁸³ and again around 1268,⁸⁴ the question whether the pope could grant a dispensation to a consecrated virgin from her vow of continence, in the case where “the emperor were a Saracen and a tyrant,⁸⁵ and intended to destroy the faith entirely, and to kill all the faithful, unless the Church joined the girl to him in marriage, and by this, he would cease from doing such things and would convert to the faith.” This case condenses a legal reference and an allusion to the contemporary context. In his *Summa aurea*, completed in 1253, Hostiensis had taken the example of a “king of Saracens” who would offer “to convert with his whole country, provided that he be given a nun in marriage,” to support the opinion that the pope could dispense one from a vow of continence *ex magna causa*.⁸⁶ The case probably also reflects the relations with the Mongols, since it evokes the persistence of the Mongol menace,⁸⁷ the prospect of alliance with the Il-Khans of Persia⁸⁸ during the 1260s (illustrated by the marriage of Abaqa with the daughter of the Byzantine Emperor Michael VIII Palaiologos in 1265),⁸⁹ and finally the hopes of conversion raised by the Mongols of Persia, for which the papacy dispatched several missions.⁹⁰

⁸³ Gerard of Abbeville, *Quodl.* IV, q. 13, ed. D. Cornet, “Les éléments historiques des IV^e et VI^e *Quodlibets* de Gérard d’Abbeville,” *Mélanges de l’Ecole Française de Rome* 58 (1941–46), pp. 199–201.

⁸⁴ Gerard of Abbeville, *Quodl.* VI, q. 3, ed. Cornet, “Les éléments historiques,” pp. 201–4.

⁸⁵ For which the “king of the Tartars” is substituted in 1268.

⁸⁶ Hostiensis, *Summa aurea*, 3 (ed. Lyon 1556), f. 262r.

⁸⁷ Illustrated by the Mongol campaigns against Russia and Hungary in 1241 and the invasion of Poland in 1259.

⁸⁸ Who counted on Western cooperation for suppressing the resistance of the Mamelukes of Egypt.

⁸⁹ See Cornet, “Les éléments historiques,” pp. 186–7.

⁹⁰ See J. Richard, “Chrétiens et Mongols au concile: la papauté et les Mongols de Perse dans la seconde moitié du XIII^e siècle” and “Les Mongols et l’Occident. Deux siècles de contacts,” in 1274, *année charnière: Mutations et continuités* (Paris 1977), pp. 31–44 and 85–96; idem, *La papauté et les missions d’Orient au Moyen Age (XIII^e–XV^e siècles)* (Rome 1977, 1998).

The originality of the two determinations, substantially identical, is due especially to their strong legal impregnation. Both justify the dispensation insofar as the *votum necessitatis* (to which the faith pertains) prevails over the *votum voluntatis* (to which virginity pertains).⁹¹ These two concepts, which appear in the *Summa de paenitentia* of Raymond of Peñafort,⁹² then in the *Summa aurea* of Hostiensis,⁹³ were developed on the basis of the canon of the *Decretum* of Gratian, who distinguished between what was necessary to observe even without having made a vow from what was only necessary to observe because one had made a vow.⁹⁴ According to the *Glossa Ordinaria*, the faith belonged to the first category; continence, the second.⁹⁵ However, Gerard underlined the purely casuistic character of his solution, because the pope was normally bound by the terms of the decretal *Cum ad monasterium*,⁹⁶ which stipulated that chastity, like the renunciation of property, was inherent in the monastic rule to the point that the pope himself could not give a dispensation for it. Occasionally, the possibility of compensating for the vow with a higher good, on the one hand, and the public utility and common well being of the faithful, on the other, justified the pope's dispensing the nun from her vow of chastity.⁹⁷ Thus it does seem, as Gaines Post has shown, that the secular theologians, like the canonists, viewed the papal dispensation as a practice employed for "raison d'Etat."⁹⁸ In fact, in his reasoning in support of the pope's "plenitude of power" that he developed in 1266,⁹⁹ Gerard again paraphrased Hostiensis, who had defined this papal *plenitudo potestatis* as the power to *supra ius dispensare* and had interpreted the prohibition expressed by the decretal *Cum ad monasterium* as saying that it would not have been fitting for the pope to do so (*non decet eum*), or that it would have been impos-

⁹¹ Gerard of Abbeville, *Quodl.* IV, q. 13, ed. Cornet cit., pp. 199–200.

⁹² Raymond of Peñafort, *Summa de paenitentia* 1. 8. 2, eds. X. Ochoa and A. Diez (Rome 1976), col. 340.

⁹³ Hostiensis, *Summa aurea*, 3, "De voto et voti redemptione" (ed. Lyon 1556), f. 259v.

⁹⁴ Grat. 17, 1, 1 (Fr. 812).

⁹⁵ *Corpus iuris canonici, una cum glossis*, v. "Sunt quaedam" (ed. Torino 1588), col. 1388.

⁹⁶ *Extra*, 3, 35, 6 (Fr. 600).

⁹⁷ Gerard of Abbeville, *Quodl.* IV, q. 13, ed. Cornet cit., p. 200.

⁹⁸ G. Post, *Studies in Medieval Legal Thought, Public Law and the State, 1100–1322* (Princeton 1964), pp. 266–8.

⁹⁹ Gerard of Abbeville, *Quodl.* IV, q. 13, ed. Cornet cit., pp. 200–1.

sible for him to do so *sine magna causa*.¹⁰⁰ The introduction of the distinction between a simple and a solemn vow in the 1268 text reduces the pope's power to *dispensare supra ius*, because whoever broke a solemn vow "sinned against God, offended the constitution of the Church . . . , and scandalized the men who knew of his vow."¹⁰¹ Perhaps the resumption of the conflict with the mendicants exactly around this time provides an explanation for this evolution: the struggle against the friars' privileges—and consequently against the pope's power to pass laws in exception—probably led the secular master to invoke the argument of the infrangibility of a solemn vow against the pope's power for dispensation.

Largely inspired by concepts and distinctions of a juridical origin, Gerard of Abbeville thus formulated criteria that allowed him to assess the binding force of the vow and to establish the conditions in which the pope could exercise his power of dispensation. First, he expressed the relativity of the constraint implied by the vow, which appeared capable of being removed in the name of a higher need; second, by evaluating the power of dispensation and by rationally establishing the conditions of its exercise, he subjected—though, once again, in a purely theoretical way—the pope's "plenitude of power" to his own "plenitude of knowledge."

Along the same lines, in a *Quodlibet* of 1280¹⁰² Henry of Ghent postulated that the Church could only dispense with what it itself had instituted. If the Church could modify nothing that belonged to the sacraments essentially, it could at least modify what belonged to them accidentally, as, for example, the way of administering them. The question whether one could dispense anyone from a vow of continence solemnized by religious profession¹⁰³ thus entailed asking if continence were essential to the religious vow. This theologian denied that it was. If he shared with Thomas Aquinas the initial postulate,¹⁰⁴ he refuted the distinction, which the Dominican established in the *Summa theologiae*, between a vow solemnized by entry

¹⁰⁰ Hostiensis, *Summa aurea*, 3, ed. cit., f. 262r-v.

¹⁰¹ Gerard of Abbeville, *Quodl.* VI, q. 3, ed. Cornet cit., p. 204.

¹⁰² Henry of Ghent, *Quodl.* V, q. 36, ed. cit., ff. 212r-213v.

¹⁰³ Henry of Ghent, *Quodl.* V, q. 28, ed. cit., ff. 207r-208r.

¹⁰⁴ Thomas Aquinas, *Quodl.* IV, q. 13: "The pope possesses this plenitude of power in the Church, of such a kind that he can dispense with everything that was established by the Church or its prelates, that is what belongs to human or positive law," ed. Gauthier cit., vol. II, p. 333.

into holy orders and a vow solemnized by religious profession. According to Thomas, if the duty of continence was not tied to holy orders essentially, it was nevertheless “essential to the religious state, by which a man renounces the world for total service to God, which cannot happen together with marriage.”¹⁰⁵ Henry of Ghent maintained a *contrario* that the dispensation also applied to the vow of continence solemnized by religious profession, under the condition that what had been devoted to God is put to “a more useful purpose.” However “the virgin who married, after her vow, by virtue of a dispensation . . . , did not fall into the opposite vice of incontinence, but exchanged one continence for another,” more meritorious than the first, because it was tied to obedience.¹⁰⁶ The considerable originality of Henry of Ghent’s position is due especially to his classifying the vow of virginity among the “consilia” and not among the precepts of natural law. The latter were literally indispensable. On the other hand, the observance of chastity was indifferent to natural law; it was merely necessary for the taking of a vow. Like human laws, the vow of chastity—even solemn—was thus subject to changing circumstances: if it prevented the good of the *res publica*, in case of extreme necessity the pope could and must give a dispensation.¹⁰⁷ By including chastity among the “determinations” of natural law, which were only binding because the Church instituted them, Godfrey of Fontaines had the same perspective:¹⁰⁸ the solemnization of the vow, purely “external,” consisted merely in a “sprinkling of holy water on the clothes and the person, in a few prayers and other things of this kind”;¹⁰⁹ it could not be an obstacle to the common good.

In the end, the controversy over the dispensation from a vow of chastity, which is linked to the investigation of the pope’s normative supremacy that the canonists initiated, and which Gerard of Abbeville inaugurated on juridical bases, only took on its properly theological dimension when Thomas Aquinas introduced the distinction between essence and accident, and more clearly still when Henry of Ghent added the decisive reference to divine or natural law. The knowl-

¹⁰⁵ Thomas Aquinas, *Summa theologiae*, IIa IIae, q. 88, a. 11, ed. cit., p. 265.

¹⁰⁶ Henry of Ghent, *Quodl.* V, q. 28, ed. cit., f. 207r.

¹⁰⁷ Henry of Ghent, *ibid.*, ff. 207v–208r.

¹⁰⁸ Godfrey of Fontaines, *Quodl.* IV, 18, eds. De Wulf and Pelzer cit., pp. 288–91 and 346–7.

¹⁰⁹ Godfrey of Fontaines, *ibid.*, p. 289.

edge of Scripture and aptitude for reasoning that the theologians claimed made them aware of the principles of divine or natural law, which allowed them, in this case, to assess the degree of constraint implied by the vow and to establish a hierarchy of obligations. By classifying the vow of chastity among the simple "counsels," nay among the "determinations" of natural law, the masters denied it any "indispensable" character. The public utility and the common well-being of the faithful must come before the individual's commitment to God sanctioned by the vow.

The theological debates on ecclesiastical norms and normative powers related not only to the pontifical power of dispensation, but also to the bishops' power to intervene in the realm of norms. Thus a question that Godfrey of Fontaines answered in 1297–98 involved the case of a cleric who, having received the charge of a parish church, was not ordained within the one-year time limit prescribed by the constitution *Licet canon*,¹¹⁰ although he had kept his benefices and continued to receive their incomes. Could he keep these incomes or, if he had transferred them to a religious community, could they continue to enjoy them?¹¹¹ If neither the cleric nor the religious could retain these incomes in virtue of their own authority and their own right, could the bishop grant them a dispensation allowing them to do so?¹¹²

According to Godfrey, the cleric's inability to keep his benefice was due exclusively to the papal constitution, which sanctioned deficiencies that were not blameworthy in themselves. Moreover, Godfrey maintained that the bishop had the power to dispose freely of the goods of the Church within his means, in which case he could assign them to other purposes than those foreseen by the law if he deemed it useful.¹¹³ The secular master thus crashed straight into the mendicants' position.¹¹⁴ According to the friars, only the pope, as

¹¹⁰ *Sext.* 1, 6, 14 (Fr. 954). Contemporaries considered this constitution, which Gregory X added to the publication of the decrees of the Second Council of Lyons (1274), a properly pontifical norm; see Guillaume Durand, *In sacrosanctum concilium Lugdunense commentarius*, ed. J. Moscard (Fano 1569), f. 4; Godfrey of Fontaines, *Quodl.* XIII, q. 6, ed. J. Hoffmans (Louvain 1932), p. 231.

¹¹¹ Godfrey of Fontaines, *Quodl.* XIII, q. 6, ed. Hoffmans cit., p. 231.

¹¹² Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., pp. 231–5.

¹¹³ Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., pp. 232–3.

¹¹⁴ See Godfrey of Fontaines, *Quodl.* XIII, q. 5, ed. Hoffmans cit., p. 224; on the mendicant ideas, see notably R. Lambertini, *Apologia e crescita dell'identità francescana (1255–1279)* (Rome 1990), p. 34.

Peter's successor, held his power directly from Christ. As holders of the power that the pope had delegated to them, the bishops could only give dispensations in cases that he had expressly conferred on them.¹¹⁵ But the constitution *Licet canon* merely conferred on them the power of dispensation from the obligation of residence;¹¹⁶ it said nothing about receiving incomes from a benefice.

Against the mendicants' opinion, Godfrey of Fontaines maintained—as he had elsewhere, and like other secular masters¹¹⁷—that following the apostles, all bishops received their power and authority directly from Christ. Nevertheless the primacy of Peter's successor limited episcopal power to the confines of the diocese, while “papal power [stretched] to all things in general.” Moreover, the pope could restrict the exercise of episcopal jurisdiction by reserving certain cases and dispensing from episcopal statutes, while he could also forbid bishops from dispensing from his own statutes. But if he did not so forbid expressly, the “best jurists” were in agreement that the bishops could so dispense.¹¹⁸ Godfrey's allusion probably targeted Guillaume Durand, who around 1291–92 had composed a commentary on the conciliar legislation of Lyons II in which he sharply criticized the constitution *Licet canon* which, on the pretext of solving the problem of absenteeism, deprived clerics of the means that had enabled them to receive a university education.¹¹⁹ Godfrey of Fontaines borrows from him the rule of legal interpretation according to which only the explicit prohibition of dispensation excluded its possibility. The rights that the pope did not concede explicitly were thus to be regarded as tacitly recognized as belonging to the bishops. Consequently, papal prohibition could not extend to the problem of receiving incomes from a benefice, since the constitution

¹¹⁵ Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., p. 233.

¹¹⁶ See *Sext.*, 1, 6, 14 (Fr. 954).

¹¹⁷ See Godfrey of Fontaines, *Quodl.* V, q. 16 (1288), eds. M. De Wulf and J. Hoffmans (Louvain 1914), pp. 71–86, esp. p. 73; *Quodl.* XI, q. 7 (1295–96), ed. Hoffmans cit., p. 38; and especially *Quodl.* XII, q. 3 (1296–97), ed. Hoffmans cit., p. 95. See also Servais of Mont-Saint-Eloi, *Quodl.*, q. 80 (1286), ed. B.G. Guyot, “Quodlibet I, q. 17 de Pierre d’Auvergne—Quodlibet q. 80 de Gervais du Mont-Saint-Éloi,” *AHDLM* 28 (1961), pp. 159–61; Henry of Ghent, *Quodl.* IX, q. 22 (Lent 1286), ed. R. Macken (Louvain 1983), pp. 298–301, and XII, q. 31 (Advent 1288 or Lent 1289), ed. J. Decorte (Leuven 1987), pp. 197–9.

¹¹⁸ Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., p. 233–4.

¹¹⁹ See Guillaume Durand, *In sacrosanctum concilium Lugdunense commentarius*, ed. cit., especially f. 46v.

Licet canon did not mention it.¹²⁰ That did not mean that the cleric could continue to enjoy these incomes even though he no longer had a right to the benefice, but that if the Church did not really need these incomes and if the cleric “were able to render great services to the Church, the bishop could make it so he kept them, not in virtue of a right that the cleric had acquired because he held a church, since he had not acquired any right to it, but by a new and free conferral.”¹²¹ Likewise, if the cleric had transferred his incomes from the benefice to some religious, the bishop—who had the power to grant, with the consent of his chapter,¹²² a portion of the revenues of a well-endowed church to some honest religious—could grant a dispensation enabling them to retain them.¹²³

Godfrey’s discussions of the bishops’ normative power clarify the singularity of the theologians’ perspective and thought process. In favor of the episcopal power of dispensation, Godfrey seems simply to agree with the criticisms that *Licet canon* provoked.¹²⁴ He expresses an opinion close to that of the canonist Guillaume Durand, from whom he had borrowed a key element of his argument,¹²⁵ but also to that of the prelate John Pecham who, when he had promulgated the decrees of Lyons II and the four post-conciliar constitutions—among them *Licet canon*—at the Council of Reading (1279), had declared that a strict application of this legislation would seriously harm the level of intellectual training of the English parish clergy. Clerics were rarely wealthy enough to go for university studies without the material support of a benefice.¹²⁶ However, the “professional” argument falls short of explaining Godfrey’s specific stance. For this, we must explore its line of argumentation and its thinking processes. The prelate John Pecham and the canonist Guillaume Durand had considered the concrete *effects* of the papal constitution; they had

¹²⁰ Guillaume Durand, *ibid.*, f. 45v.

¹²¹ Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., p. 234.

¹²² See *Extra*, 3, 10, 9 (Fr. 505).

¹²³ Godfrey of Fontaines, *Quodl.* XIII, q. 7, ed. Hoffmans cit., pp. 234–5.

¹²⁴ And to which alluded the preamble of the bull *Cum ex eo*, promulgated by Boniface VIII in March 1298; see *Sext.* 1, 6, 34 (Fr. 964).

¹²⁵ In fact, Durand appears as a positive figure only insofar as he disputes the cogency of a pontifical rule and where he consequently ceases being a figure or an organ of power to become the agent of a critique of power.

¹²⁶ Text cited by L.E. Boyle from Oxford, Bodleian 794, f. 180r–v, in “The Constitution *Cum ex eo* of Boniface VIII,” pp. 269–70, n. 20.

justified the possibility of dispensation or of mitigation of the law with the concern for preserving the level of training of the parish clergy. Godfrey, the theologian, focused on both the *causes* and the *first principles* of the episcopal power of dispensation. He brings up the origins of the bishops' power from the ecclesiological perspective of the secular masters who had fought the mendicants. He invokes the principles of the administration of church property,¹²⁷ according to which the bishop was free to assign the goods in his control to uses other than those prescribed by law. Finally, he fixes the limits of legitimate exemption, based on the criterion of utility (*fructus*), a commonplace in theological writings on the question of dispensation. Godfrey's procedure thus seems, specifically, like a search for first principles permitting him to ground the authority of his determinations.

The Evaluation of Lay Norms and Normative Powers

Theologians did not limit themselves to the Church in their investigation of the various instances of normative power. Their interest in the normative power of the prince—who, in the thirteenth century, had strongly asserted his role as *conditor legis*—is evident in quodlibetal questions concerning those areas pertaining strictly to lay power, like taxation, but also areas that specifically but not exclusively required the prince's normative power to be exercised.

Two texts from the 1290s account for the scholastic conceptions of the prince's normative power. The question whether every subject was obliged to observe the statutes that were not obviously required by common utility,¹²⁸ posed to Henry of Ghent in 1290 or 1291, clarifies Godfrey of Fontaines' determination, in 1295–96,¹²⁹ of a question concerning the princes' normative power more directly: could a prince, in the name of common utility, impose a tax if the need were not, by itself, evident, and were the subjects held to pay it?¹³⁰ The idea of the acceptance of the law by the subjects, present

¹²⁷ Dealt with at greater length in an earlier question of the same *Quodlibet*; see Godfrey of Fontaines, *Quodl.* XIII, q. 5, ed. Hoffmans cit., especially pp. 223–6.

¹²⁸ Henry of Ghent, *Quodl.* XIV, q. 8 (Paris 1518), ff. 567v–568r.

¹²⁹ Glorieux's date (1294) seems too early; J.F. Wippel suggests 1295–96; an analysis of the text points to the quodlibetal session of Lent 1296, which follows Philip the Fair's institution of a new tax in January 1296.

¹³⁰ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. J. Hoffmans (Louvain 1932), pp. 76–8.

in the two questions and strongly entrenched in the political and fiscal context of the time,¹³¹ reveals one original feature of the theological conception of lay normativity: princely legislation seemed to have a binding nature only if it appeared to be manifestly inspired by concern for the “common utility,” presented as its proper goal. Thus the very legitimacy of the prince’s power appeared to rest on his power to grasp and make evident the principles that had to guide his normative action—on a subject all the more delicate since it touched an area essential to the affirmation of the monarchical State.¹³²

Henry of Ghent and Godfrey of Fontaines assigned the same end to princely legislation: “the peace and the safety of the *res publica*,”¹³³ “the common good and common utility.”¹³⁴ However, determining the sovereign by heredity could not guarantee that he had the necessary virtues to pursue this goal. Godfrey thus prescribed that the prince act

according to righteously instituted laws and not according to his own wisdom (*prudencia*), as the Philosopher says in the third book of the *Politics*,¹³⁵ where he says that all that can be established or judged by the law should not be entrusted to the prince, but settled by the law, because the law, exempt from the passions that affect man, has greater value and firmness.¹³⁶

Godfrey accompanied this distinction with conclusions that Aristotle had drawn, but he introduced a crucial term: “Whoever commands rule by *intellect*, that is by laws instituted according to right reason, seems to command rule by God and by those just laws; but whoever commands rule by a man, establishes rule by a wild beast.”¹³⁷ This was a reminder that the “value of the transcendent obligation of the law” derived no more from the will of the prince than from the will of the people; it came “from objective and transcendent justice and right, founded in God, Who judged both the people and the prince. But the authority that formulated and applied the law

¹³¹ See J.R. Strayer, *Studies in Early French Taxation* (Cambridge 1939; reprint Westport, CN, 1972), pp. 47 and 49.

¹³² See *Genèse de l'État moderne. Prélèvement et redistribution*. Actes du Colloque de Fontevraud, J.-P. Genet and M. Le Mené, eds. (Paris 1987), p. 8.

¹³³ Henry of Ghent, *Quodl.* XIV, q. 8, ed. cit., f. 567v.

¹³⁴ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. Hoffmans cit., p. 77.

¹³⁵ Aristotle, *Politics* III, c. 16.

¹³⁶ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. Hoffmans cit., pp. 76–7.

¹³⁷ Godfrey of Fontaines, *ibid.*, p. 77.

was regarded as belonging fundamentally to the body politic as such, that is, to the whole community: people, magnates, and king organically allied."¹³⁸ The prince only held his *ius principandi* in virtue of his acceptance by the whole community; "and therefore he should not impose anything burdensome or harmful on the community, unless it proceeds from the consent of the subjects, who, insofar as they are free, must obey voluntarily and not under constraint."¹³⁹ Henry of Ghent assigned a more active normative role to the prince: "It belongs to princes or to superiors to order what, which, when and how it is necessary to attain this end [the common good] according to the architectonic science, concerning which the Philosopher said at the beginning of the *Ethics*:¹⁴⁰ it is this that determines which arts are among those that are necessary in cities, and what kinds of arts each person must learn, and up to which point the study will be thorough."¹⁴¹

Nevertheless, one finds in the two authors the essential idea that elaborating norms required knowledge or a particular intellectual capacity: Henry of Ghent evoked the *scientia architectonica*, going back to the Aristotelian description of politics; Godfrey of Fontaines placed *intellectus* at the head of good government and identified it with laws based on right reason. So the prince had to have *scientia* and *intellectus*; he also had to put into practice a pedagogy of the law, which would allow his subjects to grasp the reasons behind what would be imposed on them and to approve it with full knowledge of the causes.¹⁴² In Henry of Ghent, however, this need was moderated by the "confidence" that the subjects had to place in the "prudence and goodness of the prince."¹⁴³ In his first *Quodlibet*, Henry had defined in similar terms the relationship that *rurales doctores* were to have with university masters: if they were generally unaware of the underlying reasons for the doctrinal solutions that they passed on to the faithful, these "rural doctors" taught them nevertheless "with confidence, because they know that what they teach they received

¹³⁸ Y.-M. Congar, "Quod omnes tangit, ab omnibus tractari et approbari debet," *Revue Historique de Droit Français et Etranger* 36 (1958), p. 223.

¹³⁹ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. Hoffmans cit., p. 77.

¹⁴⁰ See *Aristoteles latinus, Ethica Nicomachea*, p. 142.

¹⁴¹ Henry of Ghent, *Quodl.* XIV, q. 8, ed. cit., f. 567v.

¹⁴² Godfrey of Fontaines, *Quodl.* XI, q. 7, ed. Hoffmans cit., p. 77.

¹⁴³ Henry of Ghent, *Quodl.* XIV, q. 8, ed. cit., f. 568r.

from the masters.”¹⁴⁴ On that occasion, Henry had described theology—as he now described politics—as an “architectonic science.”

Godfrey of Fontaines based his determination on a very different postulate. According to Godfrey, the princes—who in this differed little from tyrants, who always tended to govern according to their own will—were accustomed to invoke the requirements of the *res publica* and the advice of qualified men to impose new burdens on their subjects. That’s why it would be necessary for “the most knowledgeable and loyal men to participate in the government and to approve of those laws, so that it might be clear to everyone that the cause for which such a charge was imposed on them was justifiable, and should be accepted willingly.” Godfrey was not referring to the royal council,¹⁴⁵ but to the representative assemblies that had begun to be established in the second half of the thirteenth century. Godfrey’s position thus joined the ideology of counsel with that of consent borne in the Roman maxim *Quod omnes tangit, ab omnibus tractari et approbari debet*.¹⁴⁶ restored to honor by the canonists of the second half of the twelfth century, it had become, between the Third and Fourth Lateran Councils, a classic rule of Church law,¹⁴⁷ which clerics often invoked as a reminder that they should not be taxed without their consent. The principle had penetrated the political realm to become, in the second half of the thirteenth century, a basic fact in the public law of States.¹⁴⁸ Godfrey appeared, in this case, as a vector for the penetration of this principle in the lay world.¹⁴⁹

Godfrey of Fontaines thus imposed strong theoretical limits on the prince’s normative autonomy: he was called to govern according to already instituted laws and so he appeared to be confined to the role of *executor legis*. Moreover, the idea that representative assemblies must take part in enacting tax legislation called into question the exclusive character of the prince’s normative power. For his part,

¹⁴⁴ Henry of Ghent, *Quodl.* I, q. 35, ed. Macken cit., p. 199.

¹⁴⁵ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. Hoffmans cit., pp. 77–8. On the occasion of the hundredth imposed in 1295 and especially of the fiftieth demanded in 1296, the assent obtained from a restricted council had provoked sharp protests from the nobility (see Strayer, *Studies in Early French Taxation*, p. 50).

¹⁴⁶ C. 5, 59, 5; D. 39, 3, 8 et 3, 3, 31, § 1.

¹⁴⁷ *Sext.* 5, 12, 29 (Fr. 1122).

¹⁴⁸ See Congar, “*Quod omnes tangit*,” p. 217.

¹⁴⁹ However, Y. Congar noted that theologians in the French sphere of influence seem to “éviter la formule,” while at the same time one finds in their texts “des énoncés remarquables de principes politiques nettement orientés dans un sens représentatif” (Y. Congar, “*Quod omnes tangit*,” p. 239.)

Henry of Ghent insisted on the bond between the rationality of the law and the legitimacy of princely power. In the event of a clear rift between the norm and the common good, the subjects must try to obtain the revocation of the law from the prince. "But if there is no hope of correction, the subjects must work toward the deposition of the superior rather than tolerate him, and they must not obey."¹⁵⁰ This meant that the very legitimacy of the prince's power rested on the good performance of his normative role, which involved both a science (that of the principles to which the norm must conform) and a pedagogy (which must aim to show the conformity between the norm and its principles). The two masters thus suggested that the role of the teacher—which role the university theologians asserted to be exclusively and preeminently theirs—was to inspire the normative action of the *bonus princeps*. They affirmed their authority beyond the confines of the world of the schools and of purely speculative discussions,¹⁵¹ in the wider domain of a political community to which they claimed to apply principles of government largely coming under their own competence.

This was still the case in 1296 or 1297 when Godfrey of Fontaines determined the question whether princes or prelates sinned in not expelling usurers from their lands,¹⁵² as prescribed by the canon *Usurarum voraginem*¹⁵³ which Pope Gregory X had promulgated at Lyons II in 1274. This canon ordered the expulsion of foreign usurers and prescribed heavy ecclesiastical sanctions for those who neglected to apply it.¹⁵⁴ Royal legislation already contained similar provisions. As of January 1269, St Louis had enjoined on his baillis to drive out all Lombard, Cahorsin,¹⁵⁵ and other foreign usurers from their districts and to have them driven out from the lands of the lords,

¹⁵⁰ Henry of Ghent, *Quodl.* XIV, q. 8, ed. cit., f. 568r.

¹⁵¹ The theological opinion formed in the *Quodlibeta* is rooted in contemporary reality, as attests the extreme thematic and lexical proximity between Godfrey's determination and Philip the Fair's ordinance instituting a new tax (see *Ordonnances des rois de France de la troisième race*, ed. Louis-Guillaume de Vilevault and Louis-Georges de Bréquigny, vol. XII [Paris 1777], p. 333) and whose enactment seems to have provoked Godfrey to reaffirm the principles of lay norm production (according to this theory, *Quodlibet* XI would not be before Lent 1296).

¹⁵² Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., pp. 114–18.

¹⁵³ Lyons II, canon 26, Gian Domenico Mansi, *Sacrorum conciliorum nova et amplissima collectio* (Paris 1903), 24, cols. 99–100; also in *Sext.*, 5, 5, 1 (Fr. 1081).

¹⁵⁴ Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., p. 115.

¹⁵⁵ A term that, until the end of the Middle Ages, designated every usurer who was neither Jew nor Italian; see J. Favier, *Dictionnaire du Moyen Âge* (Paris 1993), p. 198.

giving them nevertheless three months to leave.¹⁵⁶ The almost literal repetition of this ordinance by King Philip III,¹⁵⁷ in August 1274, attests to the failure of its execution. This failure is explained both by the high demand for credit on the part of the lords—because of the constant rise in prices in the thirteenth century and the immutability of seigniorial land incomes—and by the policy of the monarchy itself with respect to Jewish credit, since “it sought to benefit its own finances from it, tapping heavily the Jewish ‘usurers’ by arbitrarily establishing the taxation of their financial transactions or purely and simply confiscating a portion of their goods.”¹⁵⁸ In the context of the 1290s, the question put to Godfrey also had a very particular relevance. In 1290, King Edward I had expelled the Jews from all English possessions.¹⁵⁹ Less than a year before, King Charles II of Naples and Sicily had carried out similar expulsions in his counties of Anjou and Maine.¹⁶⁰ Then in July 1291, Philip the Fair ordered the Jews expelled from Saintonge and Poitou. For the costs of this expulsion and to compensate for the loss of taxes paid by the Jews, the king of France had imposed an annual tax of six sous tournois per hearth for six years.¹⁶¹ The date of the disputation—1297—thus corresponded to the last year of this levy. It might also have been feared that the king would call back the Jews whose expulsion he had granted—and sold—and thus revive the contradiction between royal legislation and its application.¹⁶²

¹⁵⁶ *Ordonnances des rois de France de la troisième race*, ed. Eusèbe de Laurière (Paris 1723), vol. 1, p. 96.

¹⁵⁷ *Ibid.*, p. 299.

¹⁵⁸ J. Le Goff, *Saint Louis* (Paris 1996), p. 798. See also G. Nahon, “Le crédit et les juifs dans la France du XIII^e siècle,” *Annales Economie Sociétés Civilisations* 24.5 (1969), pp. 1121–48.

¹⁵⁹ He had expelled the Jews from Gascony in 1287. The expulsion of 1290 gave rise to the negotiation of a tax meant to compensate for the sovereign’s loss of an important source of revenue; see S.W. Baron, *A Social and Religious History of the Jews*, Volume 12: *Late Middle Ages and Era of the European Expansion, 1200–1650: Economic Catalyst* (New York 1967), p. 235.

¹⁶⁰ In compensation he received a tax of three sous per hearth, to which the assembly of prelates and nobles agreed; see Strayer, *Studies in Early French Taxation*, p. 19, n. 58. See also R. Chazan, *Medieval Jewry in Northern France. A Political and Social History* (Baltimore 1973), p. 186.

¹⁶¹ See *Archives Historiques du Poitou* 44 (1923), I, 147, p. 227–8, n. 1. As in the preceding cases, it concerned a compensatory tax conceded by the inhabitants and agreed to by the lords, and not, as Jean Favier has written, about the price that the Jews had to pay in order to stay; see Favier, *Philip le Bel* (Paris 1978), p. 189.

¹⁶² The first argument of the disputation is based exactly on the failure to apply the law (see Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., p. 115).

In fact, the theologian cared less about this clash than about the application of the canon *Usurarum voraginem* in the field of secular law. If “because of the fragile state and disposition of the subjects the expulsion of certain bad people” were to cause “more and greater evils for the community, which would be even more difficult to extirpate,”¹⁶³ a good prince should abstain from ordering it. The consideration of the circumstances is once again one of the essential criteria for dispensing with a law.¹⁶⁴ Godfrey of Fontaines supported it with a quotation from Augustine: “In a well-ordered city, it is also good for certain bad things to be permitted, which, although they are bad and disordered in themselves, are nevertheless good for the well-being of the community and present a certain order with respect to this good; and this is why they should be authorized, although they should not be commanded nor even advised.”¹⁶⁵

In consequence, if the princes sinned “against the constitution [*Usurarum voraginem*], but also against the law of nature” by not expelling the foreign usurers who impoverished their kingdom and caused harm to their subjects, they could still tolerate the local usurers provided that they “were not excessively numerous nor charged excessive interest, [and] that it appeared probable that from them many benefits would accrue to the community.” The usurers thus benefited from the excuse—which was seldom allowed to justify their activity—of the common good, determined by the human legislator according to the circumstances: “Human laws leave certain sins unpunished because of the weakness of men who would be deprived of many boons if all sins were rigorously repressed by applying punishments. And this is why human law appears to allow usury, not that it considers it to be in conformity with justice, but lest many men be deprived of their boons.”¹⁶⁶ Godfrey of Fontaines noted, however, that the question posed probably targeted foreign usurers—whom the constitution of Pope Gregory X treated—and concluded that their expulsion was necessary, and the princes were obliged to order

¹⁶³ Godfrey of Fontaines, *ibid.*

¹⁶⁴ There is a particularly clear formulation in Henry of Ghent, *Quodl.* I, q. 42, ed. Macken cit., p. 235.

¹⁶⁵ Augustine, *De ordine* II, c. 4 (PL 32, col. 1000); Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., p. 115.

¹⁶⁶ Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., p. 116. Here Godfrey cited almost literally, but not explicitly, Aquinas’ *Summa theologiae*, IIa IIae, q. 78, a. 1, ad 3, ed. cit., p. 156.

it "in virtue of the law of nature, in the absence of any precept established by a constitution."¹⁶⁷

Lay norms were thus founded in natural law since they aimed at the welfare of the entire community. For this reason, the law to expel foreign usurers was, *stricto sensu*, "indispensable." The argument for the common welfare could be called upon only in favor of local usurers, under extremely precise conditions that were likely to vary and, consequently, to cause the law to vary. Second, Godfrey showed that by applying the laws prescribed against the foreign usurers, the lay prince subjected himself to canon law only insofar as it was in conformity with the natural law that it specified, notably in determining the time limit for foreign usurers to depart the kingdom. So to establish the sin of a prince, Godfrey did not limit himself to noting the infringement against papal legislation. He reintroduced criteria proper to theological speculation. Thus, the prince who abstained from legislating or who did not respect the law instituted against foreign usurers neglected the common welfare of his subjects and sinned above all and especially against natural law. He had therefore sinned in the absence of any canon law. In the final analysis, the only true legal constraint stemmed from the requirements of natural law.

By thus fixing the rules and the conditions for the exercise of their normative power, the masters asserted that they themselves had the right to produce norms, since they were capable of confirming or annulling the rationality and thus the legitimacy of any norm in virtue of their superior knowledge of the principles. In fact, they played an active role in the normative domain, by producing norms relating to all aspects of Christian society that the quodlibetal questions asked of them touched upon.

*The Quodlibetal Determinatio as a Way to Establish
Specific Norms*

The most interesting fact is probably that the theologians translated into legal terms the clashes of norms or the conflicts between norms and practices characterizing the cases that were submitted to them. In resolving these cases, they determined rights over goods and people

¹⁶⁷ Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., p. 117.

and individual rights; they thus produced norms of action and intention in two essential areas: that of the modes of acquisition of property and that of personal obligation and liability. It is impossible to go into detail about the normative interventions of the theologians here. With modes of acquisition, they concern the right to receive tithes, alms, and ecclesiastical benefices as well as contracts governing exchanges; with obligations, rights over people, or individual rights, they concern the natural duty to support poor parents, the problem of forced baptism of Jewish children, the withholding of the marital debt, homicide in an intoxicated state, the profanation of the host, torture, theft, self-defense in the case of rape, or the right to escape for those condemned to death. In spite of the extreme variety that characterizes quodlibetal production—as all medieval normative production, essentially casuistic,¹⁶⁸ empirical, and fragmentary, like an imperial rescript¹⁶⁹—it is still possible to discern the profile of the masters' positions, by outlining them with some short examples.

Common Principles, Nuances, and Divergences

First, an examination of quodlibetal determinations reveals the common principles structuring theological thought and grounding the common intellectual attitude of the masters. Theological norms use natural law as their major referent; in the texts, this usage appears in principles that derive from natural law, principles such as justice, individual intent, contractual freedom, and extreme necessity.

The modes of conferring, acquiring, and possessing benefices, for example, had to conform to distributive justice. Now, benefices were theoretically granted on account of a spiritual office, but by their nature they exposed clerics to the desire for “filthy lucre” (*turpe lucrum*). Besides, the High Middle Ages also saw the development of papal interventionism with respect to benefices at the expense of the rights of local churches.¹⁷⁰ In this context, some quodlibetal questions led

¹⁶⁸ The *casus*, a medieval inheritance from Roman law, represented a fundamental way to define a norm. A common method of teaching in the law schools at the end of the 12th century, the “question-*casus*” only acquired real importance in theology with the appearance of the *quodlibet*.

¹⁶⁹ See G. Giordanengo, “Le pouvoir législatif du roi de France (XI^e–XIII^e siècles),” *Bibliothèque de l'Ecole des Chartes* 147 (1989), p. 288.

¹⁷⁰ See M. Bégou-Davia, *L'interventionnisme bénéficial de la papauté au XIII^e siècle. Les aspects juridiques* (Paris 1997).

theologians to determine, from different angles, the licit and illicit modes of conferral and possession of benefices.

The abilities that a cleric could put at a church's disposal were seen as the major criterion for the licit collation of a benefice.¹⁷¹ Thus distributive justice—a concept appearing explicitly in questions of Thomas Aquinas and Godfrey of Fontaines¹⁷² concerning the sin of favoritism—was respected provided that the collator only considered the applicant's merits with respect to their utility for the church. The criterion of utility, which Godfrey explicitly attached to natural law,¹⁷³ Aquinas linked to competence in a question where he justified the recruitment of a cleric less qualified overall, but more suited to manage the church because of his wisdom, power, or experience already gained in the service of that church.¹⁷⁴ By the same reasoning, in a later *Quodlibet* Aquinas¹⁷⁵ defended a cleric's ability to accumulate benefices even without a dispensation; from the moment the cleric "could, while absent, serve [a church] more or at least as much as could another while present," natural law would justify his holding several benefices, with no positive determination being necessary, because, as Godfrey would also say, a dispensation, "since it is only a declaration [of natural law], does not have to be applied in obvious cases."¹⁷⁶ *A contrario*, Gerard of Abbeville stuck strictly to the letter of positive law and to exceptions allowed *a iure*: no cleric could claim to hold two benefices apart from the cases envisaged by the common law; in the event of impossibility by law, only the pope could grant a dispensation.¹⁷⁷

The purely legal casuistry that Gerard developed did not leave any room for the consideration of natural law. His approach coincided more with that of the lawyers—whose authority moreover he

¹⁷¹ See Gerard of Abbeville, *Quodl.* XII, q. 4; Thomas Aquinas, *Quodl.* VI, q. 9, and IX, q. 15; Godfrey of Fontaines, *Quodl.* XI, qq. 13–14.

¹⁷² Thomas Aquinas, *Summa theologiae*, IIa IIae, q. 63, a. 1, ed. cit. p. 62; Godfrey of Fontaines, *Quodl.* XI, q. 13, ed. Hoffmans cit., p. 63.

¹⁷³ "By virtue of the law of nature, the prelate was obliged to confer the church on a person who would be useful to it," Godfrey of Fontaines, *Quodl.* XI, q. 13, ed. Hoffmans cit., p. 63.

¹⁷⁴ Thomas Aquinas, *Quodl.* VI, q. 9, ed. Gauthier cit., vol. II, p. 304.

¹⁷⁵ Thomas Aquinas, *Quodl.* IX, q. 15 (December 1257), ed. Gauthier cit., vol. I, p. 117.

¹⁷⁶ Godfrey of Fontaines, *Quodl.* XI, q. 14, ed. Hoffmans cit., p. 67.

¹⁷⁷ Gerard of Abbeville, *Quodl.* IX, q. 6, Paris, BNF, lat. 16405, f. 78vb; BAV, Vat. lat. 1015, ff. 110vb–111rb.

called upon extensively, and whose authority the theologians specifically confined to the realm of positive law—than with that of the theologians who claimed a specific aptitude to explain natural law. By connecting the right to receive a benefice to competences that the cleric could put at a church's disposal, the theologians loosened the bond that canon law stipulated between the office and the benefice and justified the practice that illustrated this disassociation most overtly, namely pluralism. Natural law even justified that one could get by without dispensation, if the reason for pluralism were obvious. The theologians thus went beyond the cases for exemption envisaged by canon law;¹⁷⁸ the dispensation was little more than a means of making manifest what was not universally evident.

Another fundamental principle, commutative justice, governed the exchange of material goods, a realm that did not concern the Church exclusively and which might only involve laypeople. Odd Langholm¹⁷⁹ has shown the relevance and the wealth of scholastic sources for the treatment of economic questions, which at that time focused on the exchange of goods and lending of money. It is in university doctrinal writings, and particularly in *quodlibeta*,¹⁸⁰ that the norms of an "economic ethics" were developed in conformity with the requirements of moral theology. In fact, theologians' interest in the forms and conditions of exchanges stemmed above all from their concern for providing rules for governing souls in an area that offered many opportunities to sin, either by usury or by economic practices done *in fraudem usurarum*.¹⁸¹ Indeed the quodlibetal questions relate less to usury itself than to the types of contracts that it was likely to sully; these questions thus fit into the more general issue of contractual relationships, and therefore their solution followed the principle of commutative justice, "which by nature obtains when the thing given and the thing received are the same quantity and value."¹⁸² In the

¹⁷⁸ See *Extra*, 3, 5, 8 (Fr. 478).

¹⁷⁹ O. Langholm, *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition, 1200–1350* (Leiden 1992).

¹⁸⁰ Langholm, *Economics in the Medieval Schools*, p. 31. See Ceccarelli's chapter below.

¹⁸¹ An expression the canonists used to indicate hidden forms of usury and in particular deals that appeared licit, but in fact were tainted by usurious intent; see T. McLaughlin, "The Teaching of the Canonists on Usury," *Mediaeval Studies* 1 (1939), p. 95; J.W. Baldwin, *Masters, Princes and Merchants. The Social Views of Peter the Chanter and his Circle I* (Princeton 1970), p. 273.

¹⁸² Henry of Ghent, *Quodl.* I, q. 39, ed. R. Macken (Louvain 1979), pp. 211–12, citing Aristotle, *Ethica Nicomachea* V, c. 7: 1131b–32a (AL 26.1–2, fasc. 3, p. 233).

1220s, William of Auxerre had been the first to define usury as a sin against justice.¹⁸³ The translation of Aristotle's *Ethics*, available from 1247, gave theologians a more general framework for considering commutative justice.¹⁸⁴ This seems to be the principle for solving all questions about buying and selling. Henry of Ghent—whose importance and originality in the analysis of justice in exchanges Langholm has emphasized¹⁸⁵—asserts that equality between the partners of the exchange must be defined “according to the [just] medium of commutative justice”;¹⁸⁶ in the same way, the equality of price between the item bought and the item sold was to be observed “as commutative justice requires.”¹⁸⁷ The justice of the exchange was illustrated by the Aristotelian image of the scales.¹⁸⁸ If one side deemed that it had received too much, it was to restore the surplus until the necessary equality was reached, using the image of the balance obtained between the two arms of a scale.¹⁸⁹

Once again, the scholastics systematically identified the justice on which they based economic ethics with natural law—or, in more exact terms, with the “equity of natural law.” Henry of Ghent stigmatized usury, according to the Aristotelian argument of the sterility of money,¹⁹⁰ as the mode of acquisition “most against nature”; but “the justice of contracts pertains to the law of nature, which must be the same for all peoples.”¹⁹¹ The two universal rules defining the equity of natural law were formulated in the long prologue to a question from Henry's *Quodlibet* VI: “In all types of exchanges or loans where one hopes for more than what was given, and especially if one receives it, there is cupidity and a sin of injustice against the equity of natural justice, which obliges everyone to do unto others what, according to the judgment of right reason, he wants to be done unto him, and not to do unto others what he does not want

¹⁸³ William of Auxerre, *Summa aurea* III, tr. 48, c. 1, q. 1, ed. J. Ribailier (Paris 1986) 3, 2, p. 910.

¹⁸⁴ See R.-A. Gauthier's historical introduction to Aristotle, *Ethique à Nicomaque*, French translation and commentary by R.-A. Gauthier and J.-Y. Jolif (Louvain 1958), pp. 74–5.

¹⁸⁵ Langholm, *Economics in the Medieval Schools*, p. 255, n. 27.

¹⁸⁶ Henry of Ghent, *Quodl.* VIII, q. 24 (ed. Paris 1518), f. 333v.

¹⁸⁷ Henry of Ghent, *Quodl.* XIV, q. 14 (ed. Paris 1518), f. 570v.

¹⁸⁸ Aristotle, *Nicomachean Ethics* V, c. 7, 1132a 25–30.

¹⁸⁹ Henry of Ghent, *Quodl.* I, q. 40, ed. Macken cit., p. 221.

¹⁹⁰ Cf. Aristotle, *Politics* I, c. 10, 1258b.

¹⁹¹ Henry of Ghent, *Quodl.* I, q. 39, ed. Macken cit., p. 219.

to be done unto him.”¹⁹² The prohibition against usury, like all contracts soiled by injustice where one party received more than it had given, was thus founded on natural law. Usury was not iniquitous and sinful because it was against positive law; it was so *ex natura rei*.

The legality of the acquisition or the exchange of goods moreover was determined by the principles of individual intentionality, that is, by the will and the freedom of the contractors. These principles notably regulated the acquisition of ecclesiastical benefices. If they were granted in return for the promise or actual concession of a temporal good, their collation was stained by simony. At the very end of the century, Godfrey of Fontaines made a radical use of the criterion of inner intent. Aquinas, in a determination of 1271, had concluded that, in the absence of any constraint exerted on the candidate for the benefice, the hope nourished by the collator to obtain a temporal gratification from it, while “depraved” and “carnal,” was not, strictly speaking, simoniac.¹⁹³ Godfrey, on the other hand, stressed the concept of “mental simony.”¹⁹⁴ As Henry of Ghent pointed out in a question about the need to return what one has received by usury in the absence of any agreement, God, “a harsh judge who examined hearts and learned the secrets,”¹⁹⁵ was less concerned about acts than about intents and considered the sins independently of the facts and the words.¹⁹⁶ Using a parallel between usury and simony, Godfrey based his determination on the *ratio mutui*, which demanded that one receive nothing more than what one had lent; so the cleric who had given a loan to a bishop in the hope of obtaining a benefice from him was not entitled to possess the benefice and had to return it, in accordance with the requirements of natural law.¹⁹⁷ Still, the Church could only acknowledge cases of “perfect and complete simony” when a pact had been concluded between the collator and the candidate for the benefice.¹⁹⁸ The bond between the crime and the punishment was thus loosened: the sin, proven according to divine

¹⁹² Henry of Ghent, *Quodl.* VI, q. 22, ed. G.A. Wilson (Louvain 1987), p. 206; the prologue is an introduction to Henry’s economic thought, according to Langholm, *Economics in the Medieval Schools*, p. 254.

¹⁹³ Thomas Aquinas, *Quodl.* V, q. 23, ed. Gauthier cit., vol. II, p. 390.

¹⁹⁴ Godfrey of Fontaines, *Quodl.* XIII, q. 14, ed. Hoffmans cit., pp. 282–3.

¹⁹⁵ *Extra*, 5, 3, 34 (Fr. 763).

¹⁹⁶ Henry of Ghent, *Quodl.* VI, q. 26, ed. Wilson cit., pp. 235–6.

¹⁹⁷ Godfrey of Fontaines, *Quodl.* XIII, q. 14, ed. Hoffmans cit., p. 282.

¹⁹⁸ Godfrey of Fontaines, *ibid.*, p. 285.

and natural law and labeled such by the theologian, could escape punishment by the Church which acknowledged only tangible and evident things. The Church, which could freely dispose of ecclesiastical benefices, also had the capacity “to remove the titles from those who had them and to confer them on those who had not” and “to make it so that he who committed mental simony, after having performed penance, achieves the title by the Church’s liberality, as if by a new collation.”¹⁹⁹ Godfrey thus explained the practices of the Church in terms close to those used by the canonists and the theologians who supported the pontifical *plenitudo potestatis*. Such exemptions could be conceived only in the ecclesiastical realm, since the Church did not deal with lay goods as it did with its own goods.

The concept of mental usury had been developed analogously to that of mental simony. Indeed, in lay society usury occupied a place structurally identical to simony in clerical society. The attention theologians paid to intent thus applies to contemporary society as a whole. In *quodlibeta*, individual intent is relayed in two ways: through the concept of mental usury itself, meaning that the mere hope of obtaining more than one gave constitutes usury;²⁰⁰ and via the idea that no one can acquire or lose a right involuntarily: the duress—in whatever form it is applied, pact or simple intent—invalidates the transaction. Theologians like Godfrey of Fontaines delved extensively into the legal effects of intent, attributing to the will a role in the acquisition of a right over goods: if anyone lent money to someone else in the hope of receiving more than what he had loaned, and granted this loan only in this hope, although without an express agreement, he sinned against God by that simple volition. But because usury was also a sin of injustice toward others, for someone really to be a usurer it was also necessary for him to receive the interest on the capital lent against the will of the person who gave it to him.²⁰¹ In this case, he had to restore the usurious profit. On the other hand, if the good had been given to him freely, he had to be “capable” of receiving it in the way in which it was given to him. But if, *a contrario*, he determined that the good that was freely given to him stemmed from the loan or the gift that he himself had granted

¹⁹⁹ Godfrey of Fontaines, *ibid.*, p. 284.

²⁰⁰ Henry of Ghent, *Quodl.* I, q. 39, ed. Macken *cit.*, p. 216.

²⁰¹ Godfrey of Fontaines, *Quodl.* X, q. 19, ed. Hoffmans (Louvain 1924), pp. 398–405.

beforehand, he was deprived of any capacity to acquire what was given to him; he did not have a "just title" to this good, which he was thus obliged to restore. The argument of the capacity of the receiver to acquire a right over the good was thus decisive. It allowed the master to charge the lender with the sin of injustice from which he appeared exempt because he did not really injure his fellow man. Although the lender could not be labeled a usurer, since the profit was given to him freely, he still sinned against justice in another way, by reckoning that the gift given to him constituted the price for the loan. He was thus rendered incapable of acquiring what had been given to him: the donation was consequently stripped of legal effect. Taking into consideration the individual's intent as a decisive criterion for the transfer of property (and thus for the acquisition of a right) radically modifies the Roman definition of incapacity based on objective and well-defined categories. The principle of the freedom of the transaction constitutes the result of a process of subjectivization of the law. The specific perspective of spiritual advisors and the primordial concern for providing the rules of governing souls undoubtedly explain why the theologians tried in this way to create norms for social relations on the bases of individual intent and the mutual freedom to make contracts.

That said, the principle of extreme necessity could justify keeping ill-gotten goods. In a context marked by the exigencies of crusading and especially by the development of the mendicant orders, the problem of whether the Church could keep grants, alms, or requisitions of unlawfully acquired goods stimulated theological thought. The illicit character of the initial acquisition of goods brought into question the donor's right to use them and *a fortiori* to alienate them. Thus, asked whether one could licitly accept and use goods of usurious origin that had been received because of the licit exercise of an office, Gerard of Abbeville replied that it was a mortal sin.²⁰² Deprived of the possibility of restoring the goods that had been given in alms, the usurer could not do penance, and the one who received them would be guilty of scandalous complicity. Finally, Gerard pointed out that the acquisition of goods through usury, just as through other illicit means (theft or simony), did not allow any transfer of ownership nor consequently any legitimate possession. So it was not at all

²⁰² Gerard of Abbeville, *Quodl.* IV, q. 3, Paris, BNF lat. 16405, ff. 48vb–49rb; BNF, lat. 14557, ff. 93rb–vb; BAV, Vat. lat. 1015, ff. 47ra–va.

possible to use these extorted goods licitly, and their owner had the right to demand their return. Using similar arguments, Henry of Ghent²⁰³ nevertheless admitted the possibility of alienating fungible goods, like money, which one could replace with an equal amount. In this case, the recipient of the gift or alms could keep the fungible goods that the donor unlawfully acquired, provided that the donor declared his intent to return their equivalent or that he transmitted the burden of restoration to the recipient. For Henry, distinguishing between types of goods and taking the donor's intent into account justified an exemption from the principles of canon law that Gerard confirmed.

In very different terms, Thomas Aquinas, in a *Quodlibet* from Lent 1272, justified that "preachers" could receive alms of usurious origin. They could do so, he said, "in a special case," that is if they preached to the usurers and urged them to return the fruits of their usury, and if they had "no other means of living," insofar as "extreme need makes all things common."²⁰⁴ Aquinas, who, in this case, seems to worry less about penance and the salvation of the usurers than about justifying the mendicant life, passes over in silence the problem of the restitution of usurious gains, which constitutes the core of Henry of Ghent's demonstration. In the same way, in a question from 1297 or 1298, Godfrey of Fontaines defends the pope's power to grant to anyone a dispensation from the obligation to return goods acquired by unlawful means, for example by plunder or usury, but which the Church required to save the Christian faith.²⁰⁵ The dispensation, legitimate in this case of extreme necessity, removed any claim on behalf of the injured owner and created the fiction of legitimate possession benefiting the one who, having extorted the goods, had then placed them at the service of the Church. "In such a case, the dispensation is only a kind of declaration of natural law, because by the law of nature, all external goods . . . are common in times of necessity . . ., all the more so for the protection and defense of the common good." However, Godfrey stipulated that the owners wrongfully stripped of their goods should be compensated, to avoid injuring them excessively.²⁰⁶

²⁰³ Henry of Ghent, *Quodl.* VI, q. 25, ed. Wilson cit., p. 229.

²⁰⁴ Thomas Aquinas, *Quodl.* XII, q. 30, ed. Gauthier cit. vol. II, p. 424.

²⁰⁵ Godfrey of Fontaines, *Quodl.* XIII, q. 5, ed. Hoffmans cit., pp. 222–30.

²⁰⁶ Godfrey of Fontaines, *ibid.*, pp. 228–9.

On a different level, the same principle of extreme necessity, linked to compensatory justice, could support a monk's disobeying his superior by leaving the cloister to provide for the needs of his poor parents. On various occasions all the great masters treated this apparently marginal question, which contributed nevertheless to nourishing the debate over the states of perfection in the second phase of the quarrel between mendicants and seculars. Indeed in the *quodlibeta*, the theologians almost systematically opposed the obligation to ensure the subsistence of poor parents to the obligation created by the monastic vow. In contrast to Aquinas, who maintained that the monks became "dead to the world" and so freed by their vow from their natural obligations,²⁰⁷ the secular masters affirmed the primacy of the divine commandment that prescribed honoring one's parents and they viewed the obligation to ensure their subsistence in case of necessity as a duty of natural justice.²⁰⁸ As Henry of Ghent asserted, "the monks are not dead to the world of natural things, otherwise they would neither drink nor eat. This is why, . . . as long as they live in the natural life that they received bodily from their parents, they are always obliged towards them in what pertains to the necessity of natural life."²⁰⁹

So one sees that the agreement on principles did not exclude differences in the practical conclusions drawn by the masters. The particular cases examined during the quodlibetal sessions involved many exceptions. The disagreements among the masters are primarily due to differences in approach. Thus, Gerard of Abbeville generally sticks to the letter of canon law; his approach is characterized by its juridical character, casuistic and enumerative. Thomas Aquinas' determinations are much more concise and clearly less marked by citations; they follow above all a sequence of rational arguments. Henry of Ghent shows subtle casuistry and remarkable qualities of synthesis. Lastly, Godfrey of Fontaines' questions, generally faithful to Henry's approach and doctrines, also show a strong

²⁰⁷ Thomas Aquinas, *Quodl.* III, q. 16, ed. Gauthier cit., vol. II, p. 267.

²⁰⁸ Ex. 20:12; see Gerard of Abbeville, *Quodl.* X, q. 5, Paris, BNF, lat. 16405, f. 80va, BAV, Vat. lat. 1015, f. 116va; *Quodl.* XVII, q. 1, BNF, lat. 16405, f. 117rb, Vat. lat. 1015, f. 119ra; Henry of Ghent, *Quodl.* VI, q. 19, ed. G.A. Wilson (Louvain 1987), pp. 183–4, and *Quodl.* XI, q. 16 (Paris 1518), f. 472v; Godfrey of Fontaines, *Quodl.* IX, q. 15, ed. Hoffmans (Louvain 1924), p. 262.

²⁰⁹ Henry of Ghent, *Quodl.* VI, q. 19, ed. Wilson cit., pp. 184–5.

influence of Aristotelian teachings. These singularities explain to a certain extent how the various authors arrived at opposing conclusions starting from identical principles. On the issue of tithes, for example, Gerard²¹⁰ and Henry²¹¹ departed from the same principle from canon law according to which tithes were due on a purely real basis, not on a personal one.²¹² Applying this principle to the case of the Jews, the two masters came to opposite conclusions: true to the letter of the law, Gerard argued that the Jews had to pay tithes, although they had not received any spiritual service from the priest to whom they paid them, since they were due on a purely real basis;²¹³ on the other hand, more concerned with the nature of the goods than with the legal abstraction that grounded the right of the priest to receive them, Henry believed that the Jews could not alienate, even in tithes, goods that they were obliged to return because of their usurious character.²¹⁴

The different magisterial solutions can be also explained by the tensions and the conflicts of the universities at that time. The quarrel between mendicants and seculars thus makes it possible to understand the disagreement between the Dominican Aquinas and the secular Henry of Ghent, who shared an identical conception of the dispensation on the level of principles, but were opposed on the precise question of the dispensation from a vow.

A Typology of the Theological Interventions in the Normative Realm

On the basis of these common principles, which the different conclusions did not call into question, theologians intervened in various ways in the normative realm. Their first form of intervention consisted in distinguishing and placing normative levels in a hierarchy: positive law and natural law, the judgment of the Church and judgment of the conscience are such levels in the development and relevance of norms.

In distinguishing them, theologians introduced finer qualifications. Their solutions did not rest solely on the evidence of the facts, as

²¹⁰ Gerard of Abbeville, *Quodl.* XVI, q. 9, Paris, BNF, lat. 16405, f. 115ra-rb; BNF, lat. 14557, f. 136vb; BAV, Vat. lat. 1015, f. 92va.

²¹¹ Henry of Ghent, *Quodl.* XIII, q. 16, ed. J. Decorte (Louvain 1985), pp. 203–4.

²¹² *Extra*, 3, 30, 16 (Fr. 561) and d. p. Grat. 13, 1, 1 (Fr. 718).

²¹³ Gerard of Abbeville, *Quodl.* XVI, q. 9.

²¹⁴ Henry of Ghent, *Quodl.* XIII, q. 16, ed. Decorte cit., pp. 203–4.

we have seen; they were based on the interior intent of the fictitious protagonists that the cases presented. The concepts of mental simony and mental usury, such as one encounters in the questions of Henry of Ghent and Godfrey of Fontaines, attest to the integration of the dimension of individual intent. A question of Henry of Ghent about a Jew profaning the host²¹⁵ gives evidence for it in another way: Henry judged that the Jew's sin was smaller if he did not stab the host with the intention of insulting Christ, but of performing an experiment concerning the truth of the Christian faith: if, moreover, he had been converted sincerely by the effect of a miracle—the stabbed host having expressed its eucharistic properties by starting to bleed—Henry even recommended that the Jew not suffer any punishment. The punishment was removed by the “goodwill” of the Jew who asked for baptism and so put himself at the service of Christ and the Church, which should bring him indulgence and reconciliation.

Other quodlibetal texts show, in addition, that the rule of natural law—“inscribed in the heart of man”—did not deprive the other normative levels of all relevance: civil law, canon law, and natural law constituted a gradation towards the good. A question of Henry of Ghent, dated Lent 1278,²¹⁶ quite poignantly illustrates the originality of theologians' perception and production of norms. Seeking to resolve the question whether it is lawful to rent or sell something at a price higher than its actual value or the supposed price of its future value, Henry immediately encountered the contradiction between the principle of natural equity—never receive more than one has given—and the *iura*, which allowed both buyers and sellers to be mistaken, provided that the lesion on either side does not exceed half of the just price.²¹⁷ Henry interpreted the provisions of positive law²¹⁸ as a concession made to human fallibility, to the “defect of judgment of human reason,” which explained the “great latitude”

²¹⁵ This quodlibetal question, dated to Advent 1290, echoes another event that was at the time recent and known under the name “le Miracle des Billettes”; on this text, see Henry of Ghent, *Quodl.* XIV, q. 15, ed. and French trans. E. Marmursztejn, “Du récit exemplaire au *casus* universitaire: une variation théologique sur le thème de la profanation d’hosties par les juifs (1290),” *Médiévales* 41 (autumn 2001), pp. 51–63.

²¹⁶ Henry of Ghent, *Quodl.* III, q. 28 (ed. Paris 1518), ff. 87v–89v.

²¹⁷ See *Digeste*, 4, 4, 16, §4, ed. T. Mommsen, vol. I (Berlin 1870), p. 131.

²¹⁸ Two papal decretals corroborated the Roman law: *Extra*, 3, 17, 3 (Fr. 518) and 3, 17, 6 (Fr. 520).

left to the contractors. Not content to base the rectitude of this positive law (whose inchoate character explained its imperfection) on its social utility (it sufficed to maintain peace among men), Henry conferred the legitimacy of natural law to positive law: the “latitude” that benefited contractors came not only from “human justice,” but also from the “justice of natural law,” which permitted the uncertainty of human estimation up to half of the just price, provided that the contract were drawn up in the “good faith” and “the pure intent and conscience” of the two sides. The contradiction that seemed to oppose positive, civil, and canon law to natural law was thus resolved.

The theologians also intervened in the normative realm by interpreting the norms of positive law from the perspective of natural law, explaining the reasons that gave strength to certain norms of positive law and reconciling contradictions that seemed to exist among some of these norms of positive law. This type of normative intervention makes it possible to observe the interaction of law and theology in quodlibetal texts, as well as the theologians’ paradoxical stand regarding the law, namely keeping their distance from it while appropriating it.

Many quodlibetal questions echo legal debates. This is true for all questions touching on the relationships between *temporalia* and *spiritualia*, i.e. primarily the questions about ecclesiastical benefices and tithes.²¹⁹ One notes that all great authors of *quodlibeta* dealt with the issue of tithes:²²⁰ the contradiction between the fact (they were the object of sales) and the law (they could not be sold) resulted from their double nature, temporal and spiritual; their Old Testament bases and their fixed portion encouraged discussion on their binding force under the “new law.” Finally, in a context marked since

²¹⁹ The question of tithes is treated in depth in questions 1 and 7 of Causa 16 of Gratian’s *Decretum*; it was the subject of an entire title of the *Liber extra*, *De decimis*, 3, 30, 1–35 (Fr. 555–569).

²²⁰ Gerard of Abbeville, *Quodl.* I, qq. 13–16, Paris, BNF, lat. 16405, ff. 30va–33vb; idem, *Quodl.* XVI, q. 9, *ibid.*, f. 115ra–rb, BNF, lat. 14557, f. 136vb, BAV, Vat. lat. 1015, f. 92va; idem, *Quodl.* XII, q. 13, BNF, lat. 16405, ff. 88vb–89ra and Vat. lat. 1015, ff. 6vb–7ra; Thomas Aquinas, *Quodl.* II, q. 8, ed. Gauthier cit., vol. II, pp. 224–6, and *Quodl.* VI, q. 10, *ibid.*, pp. 304–5; Henry of Ghent, *Quodl.* IV, q. 28 (ed. Paris 1518), f. 145r; idem, *Quodl.* VI, q. 23, ed. Wilson cit., pp. 210–22; idem, *Quodl.* XIII, q. 16, ed. Decorte cit., pp. 203–4; Godfrey of Fontaines, *Quodl.* I, q. 16, eds. M. De Wulf and A. Pelzer (Louvain 1904), pp. 38–9; idem, *Quodl.* XI, q. 12, ed. Hoffmans cit., pp. 58–62.

the end of twelfth century by increased resistance to the payment of tithes and the dispute over the clergy's own right to collect them, which was expressed in particular by laypersons' appropriation of tithes and by their circulation as objects of property, the magisterial solutions stood out. In these matters, the theologians could not ignore the principles the lawyers had been developing for almost a century; they borrowed from them references, concepts, and methods, such as allegation, which emphasized their skill in denuding these notions from their context to cloak them in a new relevance and efficacy.

More generally, the theologians assimilated and adopted the language of the jurists, in particular to determine rights over persons and individual rights, as for example the right of paternal power, the women's right to the body of her husband, or the right to escape for those condemned to death. Most striking, the theologians expressed these rights according to categories of real property. Thomas Aquinas thus assimilated the right of paternal power to a true right of ownership that the father exercised over his child before the age of reason.²²¹ Natural justice thus precluded the Church's baptizing Jewish children against the wishes of their parents.²²² Marriage gave spouses the right to use their partner's body, and so the entry of one spouse into a religious order could not extinguish the other spouse's right to his or her body.²²³ Lastly, a person condemned to death enjoyed an exclusive right of ownership over his own body. The capital sentence could not strip him of this right, which moreover he had the duty to exercise to maintain the life of his body, if the judge who had condemned and imprisoned him neglected to exert his own right of usage, by giving him in fact the opportunity to flee.²²⁴ The masters' appeal to the right of ownership to designate rights over persons and individual rights undoubtedly constitutes one of the most

²²¹ Thomas Aquinas, *Quodl.* II, q. 7, ed. Gauthier, 2, p. 223.

²²² On the question, see A. Boureau and E. Marmursztejn, "Thomas d'Aquin et les problèmes de morale pratique au XIII^e siècle," *Revue des Sciences Philosophiques et Théologiques* 83.4 (1999), pp. 685–705; see also E. Marmursztejn and S. Piron, "Duns Scot et la politique: Pouvoir du prince et conversion des juifs," in *1302: Duns Scot à Paris*, O. Boulnois, E. Karger, J.-L. Solère, and G. Sondag, eds. (Turnhout 2004), pp. 21–62.

²²³ See Thomas Aquinas, *Quodl.* III, q. 18, ed. Gauthier cit., vol. II, pp. 274–5; idem, *Quodl.* X, q. 11, ed. Gauthier cit., vol. I, pp. 139–40; Henry of Ghent, *Quodl.* V, q. 38 (ed. Paris 1518), f. 214r.

²²⁴ See Henry of Ghent, *Quodl.* IX, q. 26, ed. Macken cit., pp. 307–10.

original features of theological normativity as expressed in *quodlibetal* literature.

No less frequently the theologians denounced the lawyers' deficient knowledge and intelligence. They adapted their tools and their techniques to subject them to theology's own requirements. That theologians investigated in the practical realm is nothing special, but the specific treatment that theologians gave to practical questions is undoubtedly original. As we have seen, this originality resides above all in the refoundation or the requalification of principles and the reformulation of conclusions of legal origin.

The Production of Compromise Solutions

Finally, theological normativity is characterized by the production of definitions and distinctions that in particular allowed the masters to justify certain common practices against the strict letter of positive law or to justify the maintenance of norms whose legitimacy seemed doubtful. In this respect, the *quodlibet* was a locus for the development of compromise.

To justify the fact that norms of Old Testament origin, like the precept of Sunday observance (substituted for the Sabbath precept) or that of tithes, were preserved under the "New Law," the theologians defined them as "middle" or "mixed" precepts, part moral, part ceremonial. Because they were founded on natural reason, moral precepts had permanent validity. Natural reason required that a rest period be devoted to divine worship or, in the case of tithes, that priests receive the means for their sustenance from the community that they serviced spiritually. Ceremonial precepts in turn specified the day to devote to divine worship and the portion of the tithes. The determination of the time one must devote to divine worship and the veneration of God, and cease all business, just as the determination of the portion of the tithes—and, generally, of all the concrete implementations that natural law had not fixed—fell to the Church, which had sought that they be in harmony with the regulations of the Old Law.²²⁵

²²⁵ On tithes, see Thomas Aquinas, *Quodl.* II, q. 8, ed. Gauthier cit., vol. II, pp. 224–5, and Henry of Ghent, *Quodl.* IV, q. 28 (ed. Paris 1518), f. 145r. For the dominical precept, see Henry of Ghent, *Quodl.* I, q. 41, ed. Macken cit., pp. 230–1.

In addition, to demonstrate that the Church could concede the revenues from tithes to laypersons in certain cases, the theologians used the distinction between *ius* and *fructus* or *ius* and *res*,²²⁶ derived from the Roman distinction between corporeal and incorporeal things.²²⁷ Reformulated from the twelfth century by canonists like Huguccio,²²⁸ we find this distinction at the beginning of the thirteenth century in the circle of Peter the Cantor, in authors such as Robert of Courson²²⁹ or Thomas of Chobham.²³⁰ If the Church could not grant to laymen the right—strictly ecclesiastical—to receive tithes, it could nevertheless concede their fruits to them. In the same way, the distinction between *ius* and *pecunia* appears at the end of the thirteenth century as a means of legitimating the practice—which had become common—of rent contracts.²³¹ Initially formulated by Servais of Mont-Saint-Eloi,²³² this distinction made it possible to circumvent the idea that these contracts were usurious²³³ in that they consisted in giving money in the hope of receiving more at term than one had given: if not the money itself (*pecunia*), but the right to perceive it (*ius*), were regarded as the term of the contract, the money returned to its natural function as a means of exchange (*medium*); one gave it as the price of a right conceived as the end of the exchange (*extremum*). Thus this contract escaped the suspicion of usury. The diffusion of the distinction between *ius* and *pecunia* betrays a remarkable trend toward abstraction and doctrinal malleability. It testifies to the evo-

²²⁶ See Gerard of Abbeville, *Quodl.* I, q. 16, Paris, BNF, lat. 16405, f. 33rb–va; BAV, Vat. lat. 1015, f. 43rb–va; Thomas Aquinas, *Quodl.* II, q. 8, ed. Gauthier cit., vol. II, p. 226; Henry of Ghent, *Quodl.* VI, q. 23, ed. Wilson cit., pp. 221–2; Godfrey of Fontaines, *Quodl.* I, q. 16, eds. De Wulf and Pelzer cit., p. 38.

²²⁷ *Inst.* 2. 2. 14, ed. P. Krüger (Berlin 1890), p. 13.

²²⁸ Huguccio, *Summa decretorum* ad d. a. Grat. 16, 7, 1, cited in Baldwin, *Masters, Princes and Merchants*, II, pp. 167–8, n. 38.

²²⁹ Robert of Courson, *Summa* 13, 12, cited in Baldwin, 2, p. 168, n. 42.

²³⁰ Thomas of Chobham, *Summa confessorum*, d. 6, q. 12, c. 16, ed. F. Broomfield (Louvain 1968), p. 531.

²³¹ One can follow the controversy over rent contracts in a dozen texts from the middle of the 1260s to the end of the 1280s. See F. Veraja, *Le origini della controversia teologica sul contratto di censo nel XIII secolo* (Rome 1960).

²³² Servais of Mont-Saint-Eloi, *Quodl.* III, q. 25, ed. Veraja, pp. 203–4. See also Richard of Menneville (Middleton), *Quodl.* II, q. 23 (Brescia 1591), p. 67 sq.; Godfrey of Fontaines, *Quodl.* V, q. 14, eds. De Wulf and Hoffmans cit., pp. 65–6; Henry of Ghent, *Quodl.* XII, q. 21, ed. Decorte cit., pp. 112–13.

²³³ An idea defended initially by Henry of Ghent, *Quodl.* I, q. 39, ed. Macken cit., pp. 209–18, and in *Quodl.* VIII, q. 24 (ed. Paris 1518), f. 333v, where, however, his position begins to evolve; this evolution is confirmed in *Quodl.* XII, q. 21.

lution among the theologians at the end of thirteenth century of an original conception of money, more juridical than physical, in a break with Aristotelian theory.²³⁴

The justification of common practices contrary to the strict letter of positive law constitutes one of the major aspects of theological normativity. In *quodlibeta*, this approach had two consequences. First of all, the masters' solutions helped explain the value of their own role and promoted the recognition of the legitimacy of their practices. Thus, for example, they justified the plurality of benefices—which they themselves practiced rather extensively—and clerical absenteeism for studies, by combining the argument from utility with that of competence. Second, the justification of common practices maintained the links between theology and the practical world. Thus they did not discredit human law; rather, they stressed its didactic and propaedeutic character: with an ascending conception of norms, they conceived this human law as the first step in a series of levels towards the good.

Conclusion

The theological *quodlibeta* of the thirteenth century are among the most favorable sources for the construction of the authority of the Parisian masters, both in terms of representations and enforcement. In terms of representation, the “mirror of the doctors” that *quodlibeta* allow us to reconstitute reflects three requirements: the autonomy of knowledge with respect to all forms of institutionalization; the superiority of the intellectual role as “architectonic”; and the intellectual freedom of the masters from censures and condemnations. In terms of the exercise of magisterial authority, the extreme diversity of the questions tackled during these disputes and their practical character, at times trivial, postulated that the theologians had the right to judge all things at the heart of Christian society.

The masters of theology asserted and exerted this universal competence, which is like a true intellectual *magisterium*, by constructing the normative legitimacy of their discourse on the supra-legal foundations of divine or natural law. On some issues where they were

²³⁴ See Langholm, *Economics in the Medieval Schools*, pp. 275 and 341.

in direct competition with the lawyers, since the questions dealing with tithes, alms, or benefices, for example, entailed defining the licit modes of acquisition that determined the *rights* over these various types of goods, theologians were especially concerned with delimiting their field of competence clearly; hence the repeated invocation of their radical superiority, which gave them their capacity to grasp the principles pertaining to divine or natural law. Thus dedicated to declaring natural law, the masters considered themselves entitled to settle debates often initiated by the lawyers, whose concepts and arguments they employed extensively. In doing so, however, they were almost always—with the notable exception of Gerard of Abbeville—as far as possible from the strict letter of the law. They based their justification of what *appeared* to be contrary to the law on reasons other than those invoked by the law and by arranging them according to the higher norm of natural law.

Obviously one can dispute the normative quality of quodlibetal determinations. Certainly the norms that the masters produced only had an effect from the moment the powers, that is the prelates and pastors, transferred them to the practical realm. But the fact that no proper executive body transferred university norms and that they were deprived, consequently, of any coercive force is not sufficient to refute the idea that the masters exerted, especially in theological *quodlibeta*, the normative capacity that they explicitly claimed. All the same, the practice of questioning and the diversity of magisterial positions seem more to bolster than to sap the foundations of this authority, if one admits that it was constructed precisely on the exercise of thought, on the foundations of a unified intellectual attitude that consisted above all in common objectives, methods, and references.

At the crossroads of the history of ideas and of representations, social history and intellectual history, it thus appears possible to conceive the theological *quodlibet* as one of the essential places, if not the only one, for the construction of the authority status of the Parisian masters of theology at the end of the thirteenth century. The masters asserted this authority as a form of normative power or at least as a capacity to influence or to arbitrate, at a time when normativity was becoming the principal qualification of power and when the desire for a rational foundation of norms was becoming evident.²³⁵

²³⁵ This chapter was translated from French by the editor and William O. Duba.

FRANCISCAN *QUODLIBETA* IN SOUTHERN *STUDIA*
AND AT PARIS, 1280–1300

Sylvain Piron

The classic definition of the quodlibetal dispute gave much importance to its localisation within the Paris theology faculty. Indeed, this is where the exercise was first invented and where it was most consistently practiced. This restrictive definition, nevertheless, has created some confusion. For instance, Palémon Glorieux wondered whether *quodlibeta* disputed by scholars who never became masters of theology at Paris could rightfully deserve such a qualification.¹ One author who especially came under suspicion is Peter John Olivi—while the true nature of William of Ockham's *Quodlibeta* was never really questioned, probably because of the very different status the *Venerabilis Inceptor* was granted later in the history of philosophy and theology. Yet, both cases reveal the same interesting fact: from the end of the thirteenth century onwards, for at least 40 years, the practice of *quodlibeta* spread from the university to the mendicant *studia*.² This was not just a limited phenomenon. It reached such an extent that most Franciscan *quodlibeta* produced during the last decade of the thirteenth century originated far from Paris, in Italian and Southern French convents. In order to set these documents in their proper context, they will be discussed here while taking into account the contemporary Parisian Franciscan *quodlibeta*.

¹ Glorieux II, pp. 35–6. J.F. Wippel expresses the same doubts in “Quodlibetal Questions,” p. 67. L. Meier, “Les disputes quodlibétiques en dehors des universités,” *Revue d'Histoire Ecclésiastique* 53 (1958), pp. 401–42, deals with the 15th-century revival of *Quodlibeta* in German universities and mendicant *studia* and does not treat the situation in the 13th century.

² W.J. Courtenay, *Schools and Scholars in Fourteenth-Century England* (Princeton 1987), p. 45, notes that the conducting of *quodlibeta* by theologians without a proper degree, such as Ockham and Holcot, tends to disappear after 1335.

Dissemination of Quodlibeta

John Pecham has to be credited with the origin of this development. He is said to have introduced that scholarly exercise at the University of Oxford, ca. 1272–75. The fact that such an innovation was recorded in a chronicle bears witness to the public importance and solemnity of such events.³ The quodlibetal dispute later held at the Roman Curia by the same Pecham, in 1277, has come down to us under the title of *Quodlibetum romanum*, which designation also indicates that it was innovative to some degree, or at least unusual. Matthew of Aquasparta followed him along that path, and apparently disputed there *de quolibet* almost every year from 1279 to 1284.⁴

Understandably enough, such examples quickly gave rise to imitation in other places. The earliest evidence we have for this is of a prescriptive nature. Still, there must have been some good reason for the Dominican General Chapter, gathered in Oxford in 1280, to define that such disputes were to be held only by lectors who had already been awarded the degree of master of theology, and only in the *studia generalia* of the order or in other places where the practice was normal for specific reasons—the Roman Curia being probably the main context the Dominican definitors had in mind for this second case.⁵ This decision ratified the diffusion of quodlibetal disputations outside Paris, but at the same time reinforced the necessary qualifications for holding such exercises. Approving the recent Oxford usage and preventing its appearance in too many places may have been the main motives of that decision.

Whatever the case, the practice of *quodlibeta* in provincial *studia* was certainly not at that time as widespread as Michèle Mulchaey suggests, misunderstanding the clause “*et disputet*” found in assign-

³ According to the Franciscan Chronicle of Lanercost, Pecham “primus omnium disputavit in facultate theologiae de quolibet” in Oxford, as quoted by I. Brady, “Introductio,” in Rogerius Marston, *Quodlibeta Quatuor* (Quaracchi 1968), p. 30*.

⁴ See V. Doucet, in Matthaeus ab Acquasparta, *Quaestiones disputatae de gratia* (Quaracchi 1935), pp. cxi–cxix.

⁵ *Acta capitulorum generalium Ordinis Praedicatorum*, vol. 1, *ab anno 1220 usque ad annum 1303*, ed. B.M. Reichert (Monumenta ordinis fratrum praedicatorum historica, 3) (Rome-Stuttgart 1898), pp. 208–9: “Inhibemus ne lectores disputent de quolibet, nisi sint magistri in theologia, nisi in locis in quibus secundum ordinem generalia studia vigent, nisi forte ex causa aliqua in locis aliquibus aliud sit consuetum, aut nisi prioribus provincialibus in suis provinciis aliud videatur.”

ments of Dominican lectors in thirteenth-century Provence.⁶ The first time such permission is recorded in the acts of a provincial chapter, in 1269, a more precise phrase is used: “*et damus ei licenciam disputandi*.”⁷ This “licence to dispute” was usually bestowed upon local theology teachers quite early in their career, even before they would be sent as students to Paris. It would only entitle and oblige them to hold henceforth disputed questions at least once in a fortnight during the academic year.⁸ Such disputations were meant to be pedagogical exercises, in which “vain” or “curious” topics were to be avoided.⁹ This *licentia disputandi* is not to be confused with permission to dispute *de quolibet*, which is not explicitly referred to before the early fourteenth century in the same documents of the Dominican provinces of Toulouse and Provence.¹⁰ The case of Guillaume de Leus is illuminating here. After a long teaching career in Southern France (receiving the “*et disputet*” clause already by 1285), he was granted the doctorate at the request of Pope Clement V in 1309. Eventually, the 1311 provincial chapter ordered that he would make his inception as a master in the University of Toulouse and dispute

⁶ M.M. Mulchahey, “*First the Bow is Bent in Study . . .*” *Dominican Education before 1350* (Toronto 1998), pp. 173–4.

⁷ C. Douais ed., *Acta capitulorum provincialium ordinis fratrum praedicatorum* (Toulouse 1894), pp. 137–8.

⁸ Such assignments appear long before the 1280 General Chapter discussed the issue of *quodlibeta*. When paraphrasing this document (quoted above n. 5), Mulchahey deceitfully adds the phrase “and for those lectors whose credentials might earn them a special *licentia disputandi*,” which is not implied by the text. Unfortunately, the whole book is marred by such ungrounded peremptory assertions.

⁹ A revealing definition of such disputes appears in a provincial chapter held in Rome, 1274; cf. T. Kaeppli and A. Dondaine, eds., *Acta capitulorum provincialium provinciae romanae (1243–1344)* (Monumenta ordinis fratrum praedicatorum historica, 20) (Rome 1941), p. 43: “Admonemus et volumus quod lectores qui habent licenciam disputandi, se in disputationibus se exercitent non vanarum sed utilium questionum; et fratres qui sunt de questionibus ad respondendum idonei, si se ad id difficiles exhibuerint, per priores suos respondere cogantur quando a lectoribus requirentur.”

¹⁰ C. Douais, *Essai sur l'organisation des études dans l'ordre des frères prêcheurs au treizième et au quatorzième siècle (1216–1342). Première province de Provence—province de Toulouse* (Paris-Toulouse 1884). These cases are to be found on p. 236 (Toulouse, 1311, Guillaume de Leus), p. 271 (Cahors, 1308, B. de Massaut, biblical lector), p. 274 (1317, for all five biblical lectors within the province), and p. 277 (1333, for all three active biblical lectors). The province of Toulouse was separated from Provence precisely in 1306. These local archives have been preserved thanks to the historical interests of Bernard Gui.

there *de quolibet* as he wished.¹¹ Quodlibetal disputations in non-university Dominican *studia* are more widely attested only after a new regulation passed by the 1306 General Chapter, explicitly stating that provincial ministers could give such authorisations.¹² The best documented career of a Dominican lector in those days can serve as confirmation. After his Paris inception as master, Remigio dei Girolami only held one *Quodlibet* in Italy, of which the text has been preserved. That was in the context of the Roman Curia, then in Viterbo.¹³ While he carefully edited his own *opera omnia*, nothing in his literary legacy betrays any indication that he ever disputed *de quolibet* in Florence during his long teaching career there. The first time we hear of such an event in Santa Maria Novella is in 1315. As a matter of fact, Remigio was then back in office for a short while before his retirement, being active as prior and lector during that year.¹⁴ But this is not what earned fame for that event, which left no written trace. What made it notorious is the fact that a young *baccalarius*, Umberto Guidi, was condemned by the following provincial chapter for his attitude during that occasion. Occupying the master's chair, he had dared to speak *assertive* against the determination of his doctrinal superior.¹⁵

Normative or administrative sources within the Franciscan Order in the thirteenth century are much more scarce and fragmentary.

¹¹ A. Pelzer, "Guillaume de Leus (de Levibus), frère prêcheur de Toulouse," in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern Gewidmet*, A. Lang, J. Leckner, and M. Schmaus, eds. (Münster 1935), vol. 2, pp. 1065–79. The papal bull giving a cardinal the power to promote him is published in *CUP* II, no. 674, p. 137 (6 January 1309). The provincial chapter (Douais, *Essai*, p. 236) states that "fr. Guillelmus de Leus, magister in theologia, apud Tholosam pervenerit, ibidem incipiat et disputet de quolibet et aliis prout sibi visum fuerit, ut magister."

¹² *Acta capitulorum* . . . , vol. 2, B.M. Reichert ed. (Monumenta ordinis fratrum praedicatorum historica, 4) (Rome-Stuttgart 1899), p. 17: "Ordinamus et volumus quod nullus lector sine licencia magistri vel prioris provincialis vel eius vicarii aut diffinitorum de quolibet audeat disputare, nisi ubi fratrum vel secularium viget studium generale."

¹³ E. Panella, "I quodlibeti di Remigio dei Girolami," in *Insegnamento e riforma nell'Ordine domenicano*, E. Marino, ed. (= *Memorie Domenicane*) (Pistoia 1983), pp. 1–149.

¹⁴ E. Panella, "Nuova cronologia remigiana," *AFP* 60 (1990), pp. 145–311.

¹⁵ Kaeppli and Dondaine, *Acta capitulorum provincialium*, p. 197 (Arezzo, 1315). The fact that Guidi spoke against Aquinas is not the main cause of scandal, but rather that he "superbe et arroganter multa dixit, quod etiam inauditum est, determinando in cathedra contra determinationem ipsius sui lectoris." This usurpation of the main chair had been explicitly prohibited by an earlier capitular definition, *ibid.*, p. 68 (Aquila, 1284).

Nevertheless, there can be little doubt that the same eagerness to dispute publicly on any topic was also felt by some Friars Minor around or shortly after 1280. The evidence is provided by the literary output of such scholarly exercises. Some ten years later, we find an impressive series of provincial *quodlibeta*, produced by three theologians who had not received any university degree. It is beyond dispute that these texts all belong to the literary genre. They are referred to by their authors as *questiones de quolibet*, and are often described in the same way in the manuscripts that contain them. They all possess the distinctive features of the quodlibetal dispute, addressing a variety of topics in questions organised afterwards into a thematic ordering. We are, therefore, dealing with genuine non-university *quodlibeta*.

Three Franciscans Disputing without a Licence

Let us first consider the case of Vital du Four. It is only through a misinterpretation of the sources that he is sometimes presented as having taught in Montpellier after having received a Parisian degree.¹⁶ As a matter of fact, the note in a Vatican manuscript referring to these 1295–96 classes was added years after the events. It explains that, while Jacopo da Fabriano was a student there, Jean de la Fontaine (*Johannes de Fonte*) reported (*recollegit*) the course on the fourth book of the *Sentences* read (*lectus*) by Vital, who himself had reported it (*recollectus*) from the Parisian lectures given by Jacques du Quesnoy.¹⁷ This note was added on the first folio of the volume after 1312, probably when Jacopo gave it away to the next possessor of the

¹⁶ This error, started by P. Glorieux, is still repeated by J. Brumberg-Chaumont, in *Dictionnaire du Moyen Âge* (Paris 2002), p. 1462. The best accounts of Vital's biography are given by F. Delorme in *Vital du Four, Quodlibeta tria* (Spicilegium Pontificii Athenaei Antoniani, 5) (Rome 1947), pp. vi–xxx, and H. Dedieu, "Les ministres provinciaux d'Aquitaine des origines à la division de l'Ordre. XIII^e siècle–1717," *AFH* 76 (1983), pp. 178–80.

¹⁷ "Iste quartus sententiarum fuit recollectus Parisius per magistrum fratrem Vitalem de Furno, qui postea fuit cardinalis, sub magistro fratre Iacobo de Carceto. Et postea per eundem fratrem Vitalem fuit lectus in monte pessulano, tempore quo frater Iacobus de Fabriano ibi erat studens, quem frater Iohannes de Fonte recollegit sub eodem fratre Vitale"; BAV, Vat. lat. 1095, f. 1r, first quoted by V. Doucet, "Les neuf Quodlibets de Raymond Rigauld, d'après le ms Padoue Anton. 426," *La France Franciscaine* 19 (1936), p. 235.

book, at a time when Vital had already become a cardinal. Therefore, the expression “*magister frater Vitalis*” in such a note should not be given much weight. It refers to the status Vital had acquired long after the years of these classes. He had indeed been studying in Paris earlier on, but in the lectorate program, not the doctoral one.¹⁸ A more precise memory of his lectorate in Montpellier appears in the canonisation process of Louis of Anjou in 1308. The Dominican Béraud du Puy remembers that Louis, on his way from Catalonia in 1295, took part in a dispute held by Vital, “*tunc ibi lector et nunc magister in theologia et minister in Aquitania*.”¹⁹ Indeed, in a 1297 document from the University of Toulouse, where the mendicant *studia* were serving as a theology faculty without conferring degrees, Vital is still described as being the Franciscan *lector* there, which implies that he was not a master yet.²⁰ In a letter written before December 1302, he presents himself in the same fashion.²¹ It is quite possible that he was awarded the degree shortly before being appointed provincial minister in 1307. And since the evidence for him being regent master at Paris before that date is more than scarce, to say the least, it may be reasonable to assume that the degree was conferred at the request of a fellow Gascon, Pope Clement V, as happened a few years later with Guillaume de Leus or with Arnaud

¹⁸ The distinction between these programs has often been emphasised by W.J. Courtenay, most importantly in “The Instructional Programme of the Mendicant Convents at Paris in the Early Fourteenth Century,” in *The Medieval Church: Universities, Heresy and the Religious Life. Essays in Honour of Gordon Leff*, P. Biller and B. Robson, eds. (Woodbridge 1999), pp. 77–92.

¹⁹ *Processus Canonizationis et Legendae variae sancti Ludovici O.F.M. episcopi tolosani* (Analecta Franciscana, 7) (Quaracchi 1941), p. 118: “Fratr Beraudus de Anicio de ordine predicatorum, lector Massilie . . . vidit dominum Ludovicum quando veniebat de Cathaulonia in scolis fratrum minorum de Monte Pessulano, respondentem de una questione fr. Vitali, tunc ibi lectori et nunc magistro in theologia et ministro in Aquitania, et valde bene se habebat dictus dominus Ludovicus in responsionibus secundum etatem suam.”

²⁰ H. Gilles, “Documents inédits pour servir à l’histoire de l’université de Toulouse au XIII^e siècle,” *Cahiers de Fanjeaux* 5 (1970), pp. 294–315 (see p. 300), repr. in idem, *Université de Toulouse et enseignement du droit, XIII^e–XVI^e siècles* (Toulouse 1992), see p. 56: “Vitalis, lectoris Minorum Tholose.” The university was very eager to ensure that theology masters would be appointed in these *studia*; the documentation is acutely attentive to these different statuses.

²¹ Raymond de Fronsac, *Sol Ortus*, ed. F. Ehrle, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 3 (1887), p. 16: “dominus frater Vitalis, nunc dei gratia tituli sancti Martini in Montibus presbiter cardinalis, tunc lector Tholose.” Raymond is here quoting, in 1318, from a letter co-issued by Vital, after 1299, while Giovanni da Murrovalle was still minister general and not yet cardinal.

Royard in 1314, another Gascon Franciscan lector in Toulouse.²² The three *Quodlibeta* we possess by Vital are all prior to that date. According to Ferdinand Delorme's reconstruction of the chronology of his scholastic works, the first one was produced in Montpellier around 1296, and the two others in Toulouse, around 1297–1300.²³

The second case under discussion is easier to deal with. The life and activities of Petrus de Trabibus left no traces other than a few mentions of his name in manuscripts containing his commentary on the *Sentences* and a handful of references to that text.²⁴ If he was Italian, which is likely, his vernacular name may have been Piero delle Travi. The surest thing we know about that discreet figure of Franciscan theology stems from a manuscript produced in the Florentine convent of Santa Croce and now preserved in the nearby Biblioteca Nazionale Centrale, under the shelfmark Conventi Soppressi, D. 6. 359. This volume was copied for the use of Fr. Andrea de' Mozzi, son of a rich banker and nephew of the local bishop, who acted there as a *lector* in the years 1302–04 before taking up the charge of provincial inquisitor. Next to a first version of Trabibus' lectures on the second and third books of the *Sentences* comes a series of disputed questions and two *Quodlibeta*.²⁵ From some clues scattered throughout these texts, we ascertain that they offer the transcription of lectures given in Florence. Furthermore, a question of the second *Quodlibet* provides us with the precise date of the event. Discussing

²² CUP II, no. 710, pp. 170–1. Thus, in this Toulouse connection, only Bertrand de la Tour and Gerard Odonis would have become masters of theology at Paris through the classic university procedures (Peter Auriol received his licence at papal request). On the first named, see now P. Nold, "Bertrand de la Tour, OMin, Life and Works," *AFH* 94 (2001), pp. 275–323. Already in 1288, Giovanni da Murrovalle had received his licence in Paris at the request of Pope Nicholas IV: CUP II, nos. 550–1, pp. 22–3.

²³ Vital du Four, *Quodlibeta tria*, ed. F. Delorme (Rome 1947). Delorme provides no justification for the dating of the Toulouse *Quodlibeta*. Their "pre-Scotus" taste and "anti-Olivi" orientation may be the only reasons he had in mind.

²⁴ For the latest discussion on him, see my article, "Le poète et le théologien: une rencontre dans le *studium* de Santa Croce," *Picenum Seraphicum* 19 (2000), pp. 87–134, and H.A. Huning, "Die Stellung des Petrus de Trabibus zur Philosophie nach dem zweiten Prolog zum ersten Buch seines Sentenzenkommentars. Ms 154, Bibl. Comunale, Assisi," *Franziskanische Studien* 46 (1964), pp. 213–23.

²⁵ Firenze, BN Centrale, Conv. Sopp. D. 6. 359. The *Quodlibeta* are on ff. 107ra–118vb. A description of the codex is in F. Del Punta and C. Luna, *Aegidii Romani opera omnia, I. Catalogo dei manoscritti (96–151), 1/2* Italia (Firenze, Padova, Venezia)* (Florence 1989), pp. 89–111, and further elements in Piron, "Le poète et le théologien."

the ways of proving to the Jews that the Messiah has already come, Trabibus employs Psalm 39, reading it as the announcement of Christ's advent and of the abolition of the Old Testament sacrifices. In such a case, he adds, the Jews have stood for 1296 years without offering a proper sacrifice to God.²⁶ There can be little doubt that the calculation involved coincides with the current year of the Incarnation. The first *Quodlibet* may have been produced earlier during the same academic year—at Advent 1295—or during the previous one—Lent 1295. Whatever the case, the material gathered in that codex constitutes the best sample of the activities of a Franciscan *studium generale* in that period. Nothing indicates that Trabibus ever graduated from Paris. On the contrary, the self-image provided in the prologue of the *ordinatio* he later composed from his *Sentences* lectures fits in well with a humble Franciscan teacher who never reached such heights. He has been teaching “many years,” he writes, “holding the office of lector in solemn places,”²⁷ by which he probably only means the various Italian *studia generalia* such as Bologna or Padua where he may have been assigned after his time in Florence.

The main inspiration at work in his texts derives from someone who himself was not a Paris doctor either. Just like Vital du Four, Petrus Johannis Olivi had only been a student at the Parisian convent for an initial period of four years, following what William Courtenay has labelled the “lectorate program.” It is likely that Trabibus himself followed the same path before teaching in Florence. Within the order, this achievement was already an important title to glory, and often the starting point for a career leading to higher administrative offices. At the time of the Council of Vienne, Ubertino da Casale drew a vivid picture of the corruption of Franciscan ideals. He insisted on the damage caused by the close association of ambition and studies. Being sent as a student to Paris was desirable, not for the sake of knowledge, but as a way to gain power upon return to the local convents and provinces.²⁸ Indeed, in the late thirteenth

²⁶ Peter of Trabibus, *Quodl.* II, q. 4, Firenze D. 6. 359, f. 114va: “. . . cum ipsi <iudei> steterint 1296 annis sine sacrificiis, concedant nostrum sacrificium esse illud quo Deus petit honorari.”

²⁷ Text edited by A. Huning, “Die Stellung,” p. 229.

²⁸ Ubertino da Casale, “Sanctitas vestra,” ed. F. Ehrle, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 3 (1887), p. 73: “Et omnes dissensiones quasi, que sunt in provinciis multis ordinis, sunt propter ambicionem promocionis ad studia, ut sint lectores et prelati et aliis dominantur . . . postquam habent nomen, quod fuerint

and early fourteenth century, names that can be associated with teaching functions quickly reappear in connection with administrative positions, such as custodian, provincial minister or inquisitor—Andrea de' Mozzi whom we met earlier being an excellent example, and by no means an isolated one. The number of university graduates within the order was extremely limited. As a striking example, the *Chronica XXIV generalium ordinis minorum* marvels at the fact that eight *magistri* were present at the General Chapter of 1307, out of 990 friars.²⁹ In comparison with the teaching needs of the order, the scarcity of doctors in theology can help explain how such *lectores Parisienses*, as Ubertino calls them, could feel they were as important as genuine masters. They would even usurp the title occasionally, as we see Gil de Zamora do in his self-presentation.³⁰ Therefore, it is no surprise if they would sometimes try and emulate their Parisian counterparts, turning their provincial *studium* into a small-scale theology faculty.

In the case of Peter John Olivi, many other factors have to be taken into account. The criteria for promotion to higher studies were not only dependent on intellectual dexterity and inventiveness. Supporters and foes mattered as much, as well as what can best be termed “political” orientations on key issues of Franciscan identity.³¹ For Olivi, the winds blew alternatively in different directions, but not constantly enough to let him reach the final stages of a university career. After an initial period of formation, ca. 1266–71, he may have stayed a little longer at Paris, serving as an arts teacher for his younger Franciscan fellows, lecturing on Aristotle's *Physics*.³² During the mid-1270s, back in Languedoc, he ran into some trouble. This misfortune, not well documented, involved some public correction

lectores, et de Parysius redeunt, parum curant postea de studio, sed sive legant sive non, in provinciis Ytalie et eciam alibi, ut plurimum soli lectores Parysienses dominantur.”

²⁹ *Chronica XXIV generalium ordinis minorum* (Analecta Franciscana, 3) (Quaracchi 1897), p. 455.

³⁰ Fray Juan Gil de Zamora O.F.M., *De preconiiis Hispanie*, ed. M. de Castro y Castro (Madrid 1955), pp. lxxvii–lxxviii.

³¹ Again, W.J. Courtenay, “The Instructional Programme,” contains important reflections on the ties between promotion to studies and the internal politics of the order.

³² I propounded such an hypothesis in “The Formation of Olivi's Intellectual Project: ‘Petrus Ioannis Olivi and the Philosophers’ Thirty Years Later,” *Oliviana* 1 (2003) (<http://www.oliviana.org>).

inflicted by the minister general of the order, Jerome of Ascoli, on a visitation of the province, probably in the second part of 1277, but apparently without important consequences.³³ Thanks to support from his provincial minister, Bermond d'Anduze, Olivi reached the position of *lector biblicus* at the Montpellier *studium* in the autumn of 1279. For three years, he produced there an impressive series of biblical commentaries (on Matthew, Isaiah, Job, John and Genesis) as well as many disputed questions. The next step would have been a glorious return to Paris as a *baccalaureus*. Instead, only some of his writings were sent there, to be censured in 1283 by a commission of seven Franciscan graduates—probably all those who were present at the convent at that time.

David Burr usually refers to the rival who caused his downfall as “brother Ar.,” following the way in which Olivi himself designates him. The best candidate was no more than a name, “Arnaud Gaillard,” mentioned 35 years later in an account of the Languedocian troubles as having been an opponent of Olivi. While this identification now appears to be beyond doubt, I was wrong in writing that nothing else was known about this character,³⁴ since the same name appears twice in a famous collection of university sermons.³⁵ This indication is extremely helpful. It implies that Arnaud must have been a university bachelor.³⁶ The chronology of Olivi’s writings enables us to discern two moments of intense polemics between the two of them, on various issues, ca. 1276–78 and ca. 1281–82.³⁷ The

³³ Cf. my “Petrus Joannis Olivi. Epistola ad fratrem R.,” *AFH* 91 (1998), pp. 41–2.

³⁴ Piron, “Petrus Joannis Olivi,” p. 37. Arnaud Gaillard is mentioned by Raymond de Fronsac, *Sol ortus*, ed. Ehrle cit., p. 16: “frater Petrus Johannis litigia suscitavit contra fratrem Arnaldum Galhardi et plurimos alios bonos fratres qui eius dicta erronea impugnabant.”

³⁵ Oxford, Merton College, 237, f. 35ra: *Sermo de die cinerum Arnaldi Galiard*, and f. 66va: *Sermo ad vincula beati Petri fratris Arnaldi Galiard*. These indications were first recorded by P. Glorieux, “Sermons universitaires parisiens de 1267–68,” *RTAM* 16 (1949), pp. 54, 59. The dates given by Glorieux are not to be accepted, and one of the sermons he attributed to Arnaud Gaillard turned out to belong to Ranulph of Houblonnière. I am most grateful to Louis-Jacques Bataillon for his help on this matter. A further study on Arnaud Gaillard is under preparation.

³⁶ As one can gather from N. Bériou, *L'avènement des maîtres de la parole. La prédication à Paris au XIII^e siècle* (Paris 1998), vol. 2, annexes 11–13, mendicant sermons in Paris were delivered either by bachelors and masters or by local senior friars, who sometimes received a *licentia praedicandi* without holding a degree. Anyone from outside the province of France appearing in these collections, such as Arnaud, can be presumed to be a university graduate.

³⁷ Olivi’s *Tractatus de usu paupere*, ed. D. Burr (Florence 1992), was written ca.

gap between these dates could very well fit in with a second sojourn of Arnaud in Paris, this time within the “doctoral program.” This promotion surely gave him the higher ground in their global conflict, once he came back to Montpellier, being now a *baccalaureus formatus*, waiting for his time to incept as a regent master in Paris (which he apparently never did). The sequel of the events that followed has been told many times.³⁸ After a denunciation by Arnaud, Olivi had to incur the censure of a list of propositions and was deprived of any possibility of defending his views, from April 1283 to May 1285. Two years later, Matthew of Aquasparta, newly elected minister general, again entrusted him with a teaching position, in Florence. After two more years, another friendly general, Raymond Geoffroy, brought him back to Montpellier where he spent three more years. He was again asked to defend and excuse his views on Franciscan poverty at the General Chapter of 1292, which sent him to Narbonne, a lesser *studium* where he continued to teach until his death in March 1298. It is quite reasonable to assume that the same 1292 General Chapter appointed Vital to Montpellier, as a replacement.

All of Olivi’s *Quodlibeta* were produced during the final decade of his career. Before discussing their chronology and contents, the format under which they have been preserved should be first addressed. On the one hand, a series of five *Quodlibeta* has been properly edited no less than three times, in the first place by the author himself, and most recently by Stefano Defraia.³⁹ In the years 1294–95, while in Narbonne, Olivi produced a revised version of the major part of his works, organizing his *Quaestiones disputatae* into a *Summa*, of which only the second book is extant in full.⁴⁰ A striking feature of this

1281–82, as a reaction to a dispute held in Montpellier shortly before by Arnaud, attacking Olivi’s writings on the *usus pauper* issue. An earlier phase of their debate is enlightened by Olivi’s discussion of divine knowledge, as I have shown in “La liberté divine et la destruction des idées chez Olivi,” in *Pierre de Jean Olivi (1248–1298). Pensée scolastique, dissidence spirituelle et société. Actes du colloque de Narbonne*, A. Boureaux and S. Piron, eds. (Paris 1999), pp. 71–89.

³⁸ See D. Burr, *The Persecution of Peter Olivi* (Philadelphia 1976).

³⁹ Petri Iohannis Olivi, *Quodlibeta quinque, ad fidem codicum nunc primum edita cum introductione historico-critica*, ed. S. Defraia (Grottaferrata 2002).

⁴⁰ It is contained in BAV, Vat. lat. 1116, edited by B. Jansen as *Quaestiones in secundum librum Sententiarum* (Quaracchi 1922–26), 3 vols. Despite the title, this work should not be confused with a *Sentences* commentary, as is too often the case. The correct denomination was first established by V. Doucet, “De operibus manuscriptis fr. Petri Ioannis Olivi in bibliotheca universitatis Patavinae asservatis,” *AFH* 28 (1935), pp. 410–13.

effort is the constitution of tables of contents, in which the author gives, in the first person, some explanations about the respective value of various texts.⁴¹ No complete manuscript witness of such an *ordinatio* of the *Quodlibeta* survives. What we have, instead, is a version printed in Venice by Lazaro Soardi in 1505, in a volume that also contains the bulk of Olivi's polemical and apologetical texts.⁴² At the end of this book, Soardi does indeed publish a *tabula questionum* that he describes as extracted from the *cohordinatio questionum ab ipsomet P. Joanne facta*. This phrasing implies that Soardi took this index out of the general tables compiled by Olivi for his complete works. The codex containing these tables was then probably distinct from the manuscript containing the five *Quodlibeta* printed by Soardi, which would have circulated without those tables. Therefore, while we cannot ascertain that the actual text of the quodlibetal questions printed in Venice corresponds to Olivi's final edition, there is little doubt that this Narbonne edition consisted of those five series. Stefano Defraia has recently produced a fine critical edition of these texts, collating Soardi's edition with their remnants present in a few manuscripts. He suggests that the source of the Venetian edition may have derived from an item kept in Candia (today's Heraklion). The observant Franciscan convent there became, shortly before 1448, the shelter of the largest collection of Olivian manuscripts ever recorded in a medieval library. It contained, among other things, a volume catalogued as a *liber sine tabulis de quolibet Petri Iohannis*.⁴³

This Cretan treasure played an important part in the dissemination of Olivi's texts in the late fifteenth-century Veneto. As is well known, the Feltre convent attracted some of those riches. In a manuscript copied there and now preserved in Padua (Biblioteca Universitaria

⁴¹ See my "Les œuvres perdues d'Olivi: essai de reconstitution," *AFH* 91 (1998), pp. 359–61.

⁴² *Quodlibeta Petri Joannes Provenzalidis doctoris solennissimi ordinum minorum*, ed. L. Soardi (Venice 1505). On this clandestine edition and its correct dating, see D.E. Rhodes, "The *Quodlibeta* of Petrus Joannes Olivi," *Papers of the Bibliographical Society of America* 50 (1956), pp. 85–7.

⁴³ G. Hofmann, "La biblioteca scientifica del monastero di San Francesco a Candia nel medio evo," *Orientalia Christiana Periodica* 8 (1942), pp. 315–61. No less than twenty manuscripts can be identified as containing works by Olivi, with the full name of the author often indicated. Item 230 reads: *Item liber sine tabulis de quolibet Petri Iohannis. Incipit: Queritur utrum*. Another piece, number 247, is described as: *Item liber sine tabulis de quolibet. Incipit: Circa venditionem*. This item is more exactly a copy of the *De Contractibus*.

2094), among many Olivian rarities, Victorin Doucet discovered fifteen questions pertaining to other quodlibetal series.⁴⁴ “Other” is their more exact name, since the manuscript marginalia present them as being extracted from “other” *Quodlibeta: in alio primo quolibet, in alio secundo quolibet* or *in alio quolibet*. These indications show that the excerptor had in front of him at least two and perhaps three other quodlibetal series. According to the numbering of the questions—which he copied carefully—we can understand that these series were thematically organised under more than one rubric. It is very unfortunate that Stefano Defraia has not taken these questions into account in his edition, out of an excessive prudence towards texts transmitted in only one copy. Unwittingly, he has nevertheless added another piece to the puzzle. His precise description of an hitherto unnoticed Feltre manuscript, now in Padua (Biblioteca Universitaria 1909), shows an unidentified question, copied amidst questions of moral theology extracted from Olivi’s commentary on the *Sentences* or *Quodlibeta*, that sounds very much like a sixteenth item of the “other” *Quodlibeta*.⁴⁵

In order to reconstruct the chronology of Olivi’s *Quodlibeta*, these “other” series offer the best starting point. The fact that they were left out of the “edition” of the group of five probably means that they were produced afterwards. This hypothesis is confirmed by textual evidence. A question of the “second other” *quolibet* does indeed refer to the treatise *De contractibus*, written ca. 1293. More precisely, it points to a specific paragraph that was added by the author at the time of the final edition of that text, soon after March 1295.⁴⁶ It is a reasonable conjecture that Olivi conducted the revision of

⁴⁴ V. Doucet, “De operibus,” pp. 188–93. These are item numbers 16, 18, 19, 20, 27, 28, 32, 33, 34, 37, 46a, 46b, 46c, 55, 56 in Padova, Biblioteca Universitaria, 2094.

⁴⁵ “Vtrum sacerdos sibi sufficiens possit recipere pecuniam per sacramentorum administrationem,” Padova, Biblioteca Universitaria, 1909, f. 213r, described by S. Defraia, in *Quodlibeta quinque*, p. 62*, as item number 11.

⁴⁶ “Queritur utrum clerici possint facere testamentum de rebus ecclesiasticis,” *Aliud Quodlibet* II, q. 1, Padova, Biblioteca Universitaria, 2094, f. 140v: “Et ideo qui talia legant pauperibus ad ditandum notabiliter, non sine periculo anime sue hoc faciunt, nec illi sine periculo consimili illa recipiunt, et tenentur ad restitutionem, ut alibi ostensum est.” This points to the third part of the treatise, *De restitutionibus*, primum notabile, septima regula, ed. G. Todeschini (Rome 1980), p. 98. On this dating, see my paper “Marchands et confesseurs. Le *Traité des contrats* d’Olivi dans son contexte (Narbonne, fin XIII^e–début XIV^e siècle),” in *L’Argent au Moyen Age. XXVIII^e Congrès de la SHMESP (Clermont-Ferrand, 1997)* (Paris 1998), pp. 290–2.

most of his works during the year 1294–95. This implies that the “other” *Quodlibeta* would have been produced between that period and his death in March 1298. Out of the five “edited” series, the last two appear to have originated in quodlibetal disputes held at Narbonne, after the General Chapter of 1292 that assigned Olivi there. A good indication is provided by a reference, in an example, to the bishop of Narbonne.⁴⁷ Other contextual elements that will be discussed below can confirm a dating of those series IV and V to the academic years 1292–94. Although the evidence is not as clear, a number of clues point toward a dating of the first three series in Montpellier during the years 1289–92.⁴⁸ The most telling one is the fact that Vital du Four employed a question of Olivi’s first *Quodlibet* in his *De rerum principio*, a patchwork of contemporary metaphysics composed in Montpellier ca. 1293.⁴⁹

A recapitulation of the results obtained so far shows a fairly high density of quodlibetal disputations happening in a limited number of places during the last decade of the thirteenth century. The Montpellier, Toulouse and Florence convents were all functioning as *studia generalia* within the order, whereas Narbonne was only hosting what Courtenay calls a “custodial school” serving students from within the province. This suggests that the capacity for holding such disputes may have been attached more to the person than to the place. One can also remark that Olivi was the senior of the three characters under consideration. He may well have inspired the other two to follow his ways, one being his disciple and the other his opponent, albeit a lightweight adversary in his view.⁵⁰ Since nothing is

⁴⁷ Peter John Olivi, *Quodl.* IV, q. 20, ed. Defraia cit., p. 268: “Nam si quis dicat: Hoc lego B. episcopo Narbonensi, perinde est ac si diceretur: lego hoc B. si est episcopus Narbonensis.” The fact that the name of the archbishop was then Gilles (Aycelin) is of no importance. Such an example would have been out of place in Montpellier, situated under the jurisdiction of the bishop of Maguelonne.

⁴⁸ S. Defraia, in *Quodlibeta quinque*, pp. XIII–XIV, 125*–6*, agrees with my previous conjectures.

⁴⁹ Cf. A. Maier, “Zur handschriftlichen Überlieferung der *Quodlibeta* des Petrus Johannis Olivi,” *RTAM* 14 (1947), reprint in eadem, *Ausgehendes Mittelalters* II (Rome 1967), pp. 211–13, and eadem, “Die Subjektivierung der Zeit in der Scholastischen Philosophie,” *Philosophia naturalis* 3 (1951), p. 367. It should be noted that most of the Olivian philosophical questions found in various Borghese manuscripts that Anneliese Maier labelled as quodlibetal do not belong to that genre. Most of them are disputed questions produced before 1282, which Olivi left out of the final edition of his *Summa*. On this, see my “Les oeuvres perdues,” pp. 368–9.

⁵⁰ Olivi’s rebuttal of Vital’s attack—in *Quaestiones in secundum librum Sententiarum*, ed. B. Jansen (Quaracchi 1926), vol. II, pp. 136–98—is full of many sarcastic

known of the intellectual life within the Montpellier *studium* during the years 1283–89, it would be excessive to claim he inaugurated the practice. The newly elected minister general Raymond Geoffroy, who appointed him there, himself had a long teaching career in Provence and was a Paris *baccalaureus* by the time of his election.⁵¹ It is not unlikely that he personally gave his protégé the authorisation, or even the recommendation, to dispute *de quolibet*. Whatever the case, this step was consistent with Olivi's career. After having been a *lector biblicus*, then a *lector Sententiarum* in two different *studia generalia*, he had amply fulfilled the requirements to act as a regent master. In this respect, it should be noted that both Vital du Four and Peter of Trabibus were reading the *Sentences* in a *studium generale* at the time of their *quodlibeta*.

Contemporary Parisian Masters

In order to discuss what makes these non-university contributions original, it is necessary to survey briefly the contemporary Parisian productions. During this period, Ricardus de Mediavilla was the only true master of *quodlibeta* within the Franciscan Order. Before addressing his intellectual contribution, the thorny issue of his identity can be synthesized in a few words. Franz Pelster showed long ago that he was an Englishman, being sometimes referred to as *Ricardus Anglicus* or *de Anglia*, his vernacular name certainly being *Richard de Menneville*. He may have been related to a noble of Norman origin who married the widow of a Northumbrian baron.⁵² These results should not

remarks, such as: "in hoc loquitur ut ignorans etiam communia principia ab omnibus communiter concessa," p. 166; "videtur mihi quod iste non intelligit mea dicta nec sua," p. 173; or "Non dico autem hoc, quasi vim faciens in istis, sed quia displicent mihi verba ventosa," p. 181. On these polemics, see V. Mauro, "La disputata de anima tra Vitale du Four e Pietro di Giovanni Olivi," *Studi Medievali* 38 (1997), pp. 89–139.

⁵¹ According to a document published by F. Delorme, "Generalium ministrorum ordinis Fratrum Minorum," *AFH* 2 (1909), p. 440.

⁵² F. Pelster, "Die Herkunft des Richard von Mediavilla," *Philosophisches Jahrbuch* 39 (1926), pp. 172–8; idem, "Das Heimatland des Richard von Mediavilla," *Scholastik* 13 (1938), pp. 399–406. More recently, Louis-Jacques Bataillon has found another reference to his name as "de Menevyl" (in "Les nouvelles éditions critiques d'Henri de Gand et de Gilles de Rome," *Revue des Sciences Philosophiques et Théologiques* 78 [1994], p. 425, n. 2) and Chris Schabel has found Peter Auriol calling him once "Ricardus Anglicus" (in "Auriol's Rubrics: Citations of University Theologians in

have been forgotten in the face of Richard's continental career that took him, after a regency at Paris in the years 1284–87, to Naples' *studium generale* where he was briefly active as a lector before being elected, in 1295, as minister for the province of France.⁵³ The question that really matters does not regard so much his origins as the context of his education, which may well have been more French than English. This would allow us to reconcile the previous data with other indications that present him as *Ricardus Normannus*, belonging to the Lorraine custody, and show him using Amiens as a geographical example.⁵⁴ Nothing in his works betrays an Oxford background, and his personal tendencies place him in sharp contrast with Pecham and Marston, for instance.

The importance of his contribution can be stated quite simply. He provided an updated version of Franciscan theology, incorporating into it many Thomistic elements. On the one hand, he strongly advocated themes that had become by then constituent of the Franciscan theological identity, such as the plurality of forms in the composition of the human being, against Aquinas and Giles of Rome. But on the other hand, he dropped the Bonaventurian notion of a special divine illumination required to certify the human knowledge of universal concepts. The three-year length of his Parisian regency (1284–87), during which he disputed *de quolibet* once a year, is due, in part, to the premature death of bachelors like Arnaud Gaillard who might have otherwise become regent master soon after him.⁵⁵

Peter Auriol's *Scriptum in Primum Librum Sententiarum*," in *Philosophical Debates at Paris in the Early Fourteenth Century*, S. Brown and T. Kobusch, eds. (Leiden, forthcoming).

⁵³ The only general overview is still E. Hocedez, *Richard de Middleton, sa vie, ses oeuvres, sa doctrine* (Spicilegium sacrum Lovaniense, 7) (Louvain-Paris 1925). Also important is R. Zavalloni, *Richard de Mediavilla et la controverse sur la pluralité des formes. Textes inédits et études critiques* (Louvain 1951). His presence in Naples is known through his association with the young Louis of Anjou, to whom he was assigned as "magister ac socius," *Processus canonizationis*, p. 14. Being a master of theology, Richard did not serve as a full-time preceptor to the young prince. Their relation should rather be seen as falling within his activities as a *lector* in the local *studium generale*.

⁵⁴ P. Glorieux, "Richard de Mediavilla. Sa patrie, ses dernières années," *La France Franciscaine* 19 (1936), pp. 97–113. His belonging to the Lorraine custody may only be an extrapolation from the fact that his election as provincial minister took place during a chapter held in Metz.

⁵⁵ The notion that Arnaud Gaillard died quickly after his polemics against Olivi is purely hypothetical, relying on the fact that nothing is heard about him in later years and that Olivi refers to him as "bone memorie" ca. 1295. Another explanation could be that both opponents were punished for their excessive quarrels. In

In the only general monograph dedicated to him, Edgar Hocedez pointed to the various debates in which Richard was engaging with Henry of Ghent, Godfrey of Fontaines and Giles of Rome. The spectrum of these polemics ranged from speculative theology (whether God can have a practical intellect) to economics (on the validity of the rent-buying contract).⁵⁶ The mid-1280s were probably one of the most intense periods of quodlibetal disputations in Paris. This is due to the simultaneous presence of four masters of the first rank, plus lesser ones such as Servais of Mont-Saint-Eloi or Nicholas du Pressoir. It was not rare for the same question to be addressed by many of them, one after the other, creating a thread of discussion going on from one session to the next. Richard showed himself perfectly suited for the job. The title he earned of *Doctor Solidus* reflects both a prudent frame of mind and the didactic clarity of his expression. As much as his *Sentences* commentary, his *Quodlibeta* enjoyed a wide circulation. Preserved in thirty manuscripts spread across Europe, from Valencia to Krakow, Richard's *Quodlibeta* were the most popular of all Franciscan collections. They also had the honor of being printed in Venice by Lazaro Soardi, in a much more widely circulated edition than Olivi's.⁵⁷

Among these manuscripts, one of them, now kept in Berlin, deserves a brief discussion. Its first section, containing Richard's *Quaestiones disputatae* and his *Quodlibeta*, was copied very soon after their final draft was completed. Henryk Anzulewicz, who discovered and analysed the codex, showed that the date of this copy cannot be later than October 1290. The colophon of this witness raises some perplexities,

the previous generation, Franciscan bachelors who show no sign of having ever incepted include a *Guillelmus de Millat* (or de *Nilach*), who was reading the *Sentences* in 1265, and a *frater Renier*; cf. R.E. Lerner, "A Collection of Sermons Given in Paris c. 1267 including a New Text by Saint Bonaventure on the Life of Saint Francis," *Speculum* 49 (1974), pp. 473–4. The event of early death of bachelors, often aged around 35 to 40, has to be taken into account for a more subtle perception of the university demography.

⁵⁶ Hocedez, *Richard de Middleton*, pp. 95–97 and 395–419. A. Boureau, *Théologie, science et censure au XIII^e siècle. Le cas de Jean Peckham* (Paris 1999), is making good use of many such debates in these years.

⁵⁷ *Autorati theologi Ricardi de Media Villa Minoritane familie ornamenti Tria recognita reconcinatag[ue] Quodlibeta*, Imp. Venetiis per Lazarum Soardum, 1509. Another edition is *Quodlibeta Doctoris eximij Ricardi de Mediavilla Ordinis Minorum, quaestiones octuaginta continentia*, Brixiae, apud Vincentium Sabbium, 1591 (reprint Frankfurt am Main 1963). In both cases, the *Quodlibeta* are often bound with contemporary editions of Richard's *Sentences* commentary, and thus not always identified in library catalogues.

since it proclaims: *Explicit quodlibet fratris conradi de Ernestede*. So far, nothing is known of a friar named Konrad von Arnstadt, although an easy guess would be that he was by then a teacher or a student at Erfurt. It is difficult to conceive that Konrad could have pretended to be the author of Richard's *Quodlibeta*; rather the genitive must indicate that he was either the copyist or the possessor of the volume. The second section of the manuscript, copied by a different hand but not long afterwards and probably in the same place, contains a large number of anonymous questions by some Friars Minor who are heavily influenced by Henry of Ghent. They apparently belong to preparatory notes for a *Sentences* commentary, and may not contain quodlibetal questions.⁵⁸

Another author who falls into the scope of this survey, and who is himself present in the Berlin collection, is Petrus de Falco. When first unearthing his works, Palémon Glorieux initially confused him with William of Falgar (or Falegar), a Franciscan master from the Toulouse area, regent in Paris ca. 1280, who apparently left no *quodlibet*.⁵⁹ After the two of them were clearly distinguished, Peter has still been considered a Friar Minor, owing to the fact that he shares "Franciscan" views, that he uses a Bonaventurian vocabulary, and that his disputed and quodlibetal questions circulated in manuscripts of Franciscan origin, often next to Richard of Menneville's works, and sometimes even attributed to Richard.⁶⁰ Nevertheless, no positive evidence has been adduced to prove his identity, and some arguments may be raised to the contrary. Two questions, from each of his *Quodlibeta*, deal with issues that would usually prompt friars to discuss the Franciscan rule. Nothing of the sort happens here, Anselm

⁵⁸ See H. Anzulewicz, "Um den Kodex *Ms. lat. 456* der Staatsbibliothek Preußischer Kulturbesitz zu Berlin: I: Richard von Mediavilla," *Franziskanische Studien* 74 (1992), pp. 19–43, and idem, "Eine weitere Überlieferung der *Collectio errorum in Anglia et Parisius condemnatorum* im *Ms. lat. 456* der Staatsbibliothek Preußischer Kulturbesitz zu Berlin," *Franziskanische Studien* 74 (1992), pp. 375–399. I am most grateful to Dr. Anzulewicz for sharing his impressions on this codex with me.

⁵⁹ A. Heyse, "Fr. Pierre de Falco ne peut être identifié avec Guillaume de Falegar, O.F.M.," *AFH* 33 (1940), pp. 241–67. See also Dedieu, "Les ministres provinciaux," pp. 168–71. On Falgar, see A.-J. Gondras, "Guillaume de Falegar. Oeuvres inédites," *AHDLM* 39 (1972), pp. 185–228.

⁶⁰ A. Théry, "De vita et operibus Petri de Falco," *Sophia* 8 (1940), pp. 28–45; A.-J. Gondras, "Pierre de Falco. Quaestiones disputatae de Quodlibet," *AHDLM*, 33 (1966), pp. 105–236; Petrus de Falco, *Quaestiones disputatae ordinariae*, ed. A.-J. Gondras (Louvain-Paris 1968), 3 vols.

being the only authority quoted on the theme of religious perfection.⁶¹ This argument *e silentio* may not be conclusive, but it is fair to say that at least some doubt remains, while another negative argument could be adduced to the contrary: so far, no other religious order appears to have claimed him as a member. Whatever the case, the date proposed by Glorieux for his regency (1280–82) has to be revised, since it was only grounded on data concerning Falgar. Alexandre-Jean Gondras, who edited both Peter's *Quodlibeta* and disputed questions, retained without serious discussion a date of "around 1280." In an earlier and lesser known study, André Théry had taken a different position, suggesting that one of Peter's questions echoes Henry of Ghent in his *Quodlibet* VIII (1284), and proposing that he must come after Richard rather than before him. I am inclined to follow these suggestions.

Three more Franciscan masters appear in a long collection of 170 quodlibetal questions, predominantly of moral character, from various second-rank authors, composed for the use of Nicholas of Bar-le-Duc, who was bishop of Mâcon in the years 1286–1310. The three are respectively described as "fr. minor," "frater iohannes de ordine minorum" and "frater S. minor." In his ingenious reconstruction of this collection, Palémon Glorieux assumed that these questions had been gathered in strictly chronological order, over a period of nearly twenty years.⁶² While it would be beyond the scope of the present paper to discuss this hypothesis in detail, a timid voice of caution can yet be raised. In his extensive exploration of medieval university life, Glorieux was often misled by his desire to assign precise dates, without sufficient criticism, to the documents he was using. This was especially the case with collections of university sermons, which he liked to think of as representing a full liturgical year.⁶³ We may be facing another case of chronological fallacy here. Only a few items can be dated by way of other sources, most clearly in the

⁶¹ Peter de Falco, *Quodl.* I, q. 16: "Utrum religiosus faciens contra quodlibet contentorum in regula sua peccet mortaliter," ed. Gondras, pp. 166–7; *Quodl.* II, q. 16: "Utrum consilia evangelica, ad quae se obligant viri religiosi, sint de perfectione vitae humanae secundum statu viae," pp. 230–3.

⁶² P. Glorieux, "Notices sur quelques théologiens de Paris de la fin du XIII^e siècle," *AHDLM* 3 (1928), pp. 201–38.

⁶³ For a critique of this view, see L.-J. Bataillon, "Guillaume de la Mare. Note sur sa régence parisienne et sa prédication," *AFH* 98 (2005), pp. 367–422 (esp. pp. 368–74).

case of the three Dominican masters (Bernard of Trilia,⁶⁴ Raymond Guilha, and Oliver of Tréguier). For the remaining authors, the hypothesis of a continuous chronological order for this collection itself provided the crucial biographical element for shedding some light on the university careers of otherwise little known characters. The sequence of the three Dominicans already falsifies the hypothesis, since we now know for sure that Raymond was regent master in Paris from March 1293 to April 1295, five years later than what Glorieux expected, and later than Oliver, who appears after him in the collection.⁶⁵ Thus, while the identification of names is probably correct in every case, and while the final set of questions by André of Mont-Saint-Eloi was certainly added at a later date (after 1302), the dates provided by Glorieux for each and every author should not be taken at face value. In the case of the secular master Nicholas du Pressoir, this would create the most implausible notion of a fourth *Quodlibet*, held ca. 1293 by the same person, twenty years later than his first three.⁶⁶ The same difficulty appears with “fr. S. minor.” If he has to be identified with Simon of Lens, the only Franciscan master with such an initial that we know of in those years, the date of his *Quodlibet* should be closer to 1282, when he acted for the first time as a master of theology, than to 1294, the result of Glorieux’s calculation.⁶⁷ On the other hand, the date proposed for “fr. Johannes” corresponds well with the time of John of Murro’s regency (1289–90) and there is no reason to reject this identification. The rejection of the principle on which Glorieux based his chronology would mean that we are now deprived of any external clue as to the identification of the anonymous Friar Minor quoted near the beginning of the collection.

⁶⁴ *En passant*, the edition of the seventh question attributed to Bernard, *Utrum sit licitum emere pensiones annuas*, in F. Veraja, *Le origini della controversia sul contratto di censo nel XIII secolo* (Rome 1960), p. 205, is incomplete. It represents only the first paragraph of the question. The text goes on for more than a page (Paris, BNF, lat. 15850, ff. 13vb–14ra) in which Bernard defends the lawfulness of such contracts.

⁶⁵ See T. Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi III* (Rome 1980), pp. 200, 280.

⁶⁶ Nevertheless, it should be remembered that another source indicates that Nicholas was still active and holding quodlibetal disputes as late as 1286; see *CUP II*, p. 13.

⁶⁷ The title of the third question in this collection should be corrected to *Utrum homo audiens missam possit dicere horas*, and not *Utrum homo audiens missam possit audire musicam* as Glorieux has it.

Nine Difficult Cases

The next set of Franciscan *quodlibeta* is troublesome for other reasons. Ferdinand Delorme discovered in a Todi manuscript (Biblioteca comunale 98) a collection of nine quodlibetal series, ascribed to Raymond Rigaud, who was active as a master in Paris ca. 1287–89. Shortly afterwards, Victorin Doucet found the same nine series in a Padua manuscript (Biblioteca Antoniana 426), in a different order, and ascribed this time to *magister Jacobus de Esculo*.⁶⁸ As Doucet showed, this manuscript has the correct ordering (which will be quoted here), the Todi collection mistakingly placing the series VI and IX at the beginning of the manuscript. The ascription to the Franciscan master James of Ascoli is clearly mistaken, since these questions are undoubtedly pre-Scotist. This error could understandably be a later development of a note that would have initially referred to, Doucet argues, another *magister Jacobus*, namely Jacques du Quesnoy, regent in Paris ca. 1290–92. An argument in his favour depends on the way in which Vital du Four, who is said to have studied under Quesnoy in Paris, uses these works. The prologue of Vital's first *Quodlibet* is nothing but an abbreviation of the prologue of *Quodlibet* VII, while Vital's initial question there copies question 4 of the same *Quodlibet* VII.⁶⁹ In two questions of his second *Quodlibet*, Vital again makes use of questions present in *Quodlibeta* II and III of the Padua-Todi series,⁷⁰

⁶⁸ F. Delorme, "Quodlibets et questions disputées de Raymond Rigaut, maître Franciscain de Paris, d'après le ms. 98 de la Bibl. Comm. de Todi," in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern Gewidmet*, A. Lang, J. Leckner, and M. Schmaus, eds. (Münster 1935), vol. 2, pp. 826–41; V. Doucet, "Les neuf Quodlibets de Raymond Rigaud d'après le ms Padoue Anton. 426," *La France Franciscaine* 19 (1936), pp. 226–39.

⁶⁹ See, Vital du Four, *Quodlibeta*, ed. Delorme cit., pp. 1–4. Furthermore, an item in the Todi manuscript does not belong to the quodlibetal series but is a *principium*, which Vital uses as a prologue to his *lectura* on *IV Sent.*, which itself was based on Jacques's lectures (see Doucet, "Les neuf Quodlibets de Raymond Rigaud," pp. 232–3).

⁷⁰ Vital's *Quodl.* II, q. 6, depends on *Quodl.* II, q. 40, *Utrum ferens intentionem suam supra dimidiam hostiam tantum, consecret*, Padova, Biblioteca Antoniana 426, f. 7vb (the question is also treated by Richard in his *Sentences* commentary, by Servais of Mont-Saint-Eloi in *Quodl.* q. 38, and by Olivi in *Quodl.* I, q. 14, with no textual dependence); Vital's *Quodl.* II q. 10, *Utrum puer non baptizatus prope puteum inventus, morti propinquus debeat in puteum projici si aliter non possit baptizari* depends on *Quodl.* III, q. 38, *Utrum parvulum non baptizatum quis baptizando debeat proicere in puteum, supposita extrema mortis necessitate et alterius remedii impossibilitate*, Padova 426, f. 12ra–rb. The answer to

and yet another question of his third *Quodlibet* displays the same type of dependence.⁷¹ Another clue is provided by reference to troubles caused by university *licentiae docendi* granted without the regular examination. This, as Doucet showed, points to scandals that arose while Berthaud of Saint-Denis was university chancellor, in the years 1290–92, in a period that coincides with the dates of Quesnoy's regency.⁷² On the other hand, it should be remembered that Vital probably encountered Raymond Rigaud during his initial studies in Aquitaine, at the Toulouse *studium*, and certainly heard him lecturing during his four years of study in Paris, ca. 1288–92. Another argument in his favor may derive from the Todi manuscript, which bears an overt ascription to Raymond and also contains some material by Vital, while another codex given in the early fourteenth century to the same conventual library in Todi (now Todi, Biblioteca comunale 95) is the main record of Vital's scholastic writings.⁷³

Further research would be needed to decide which of the two masters is the author of those nine series. It does not seem likely that they would eventually have to be distributed between the two of them. All nine *Quodlibeta* display elements of similarity, in literary composition and in frame of mind, and even show some repetitions of identical argumentations. This strongly suggests that they belong to a single Franciscan theologian. Their quantity creates another problem. It was not normal in Paris to dispute *de quolibet* twice a year—Thomas Aquinas being an exception in that respect. Such a rhythm would be required for us to squeeze all nine series within a span of a minimum four and a half years. The more customary practice of holding *quodlibeta* only once a year would allow us to spread them over at least nine years. The truth is probably halfway between these two extremes. The final *Quodlibet* was not disputed

this harrowing question is of course no, not least because, in such a case, *baptizando non baptizatur sed suffocatur*.

⁷¹ Vital, *Quodl.* III, q. 14, pp. 196–7, coincides with *Quodl.* VI, Padova 426, f. 22rb. The same problem is dealt by Olivi, *Quodl.* I, q. 12, ed. Defraia cit., pp. 37–9. The question deals with the case of an infidel converted to Christianity, to whom the pope provides an instructor who ends up teaching him heresy.

⁷² *Quodl.* IX, qq. 16–17, ed. by Doucet, pp. 237–9.

⁷³ As Neslihan Şenocak kindly indicated, Todi 98, f. 77v, has a note describing the other items in the codex as disputed questions by “magister R. Rigaldi” and “frater Vitalis de Furno.” The note was written before Vital became master, probably in Toulouse where Raymond had long taught. Its weight would further support the ascription of the nine *quodlibeta* to Raymond.

later than 1292; *Quodlibet* II, as we will see shortly, must have taken place after Lent 1286. If the series are presented in chronological order, which is likely, their author must then have disputed twice a year *de quolibet* on at least two or three occasions. Be it five or seven years, the next difficulty is to establish whether or not he was continuously regent in the Franciscan chair at Paris for such a long period. Although this would be most exceptional, the notion cannot be excluded on principle. It has to be disproven by positive arguments. Let us note that only some questions in the final two *Quodlibeta*, VIII and IX, explicitly refer to a university background.⁷⁴ This could mean that some of the previous series were produced in another setting. That would be earlier than all three examples of “provincial” *Quodlibeta* discussed so far. We know that Jacques du Quesnoy, a native of the province of France, was still present in Paris in 1303, but nothing is known of his earlier teaching.⁷⁵ Raymond, from Toulouse, probably taught for some time in his home town before and after his regency in Paris, which is usually dated around the years 1287–89.⁷⁶ If he is to be credited with the authorship of all nine series, that would imply that he came back to Paris at some point, for a second regency, and that some of the intermediary *Quodlibeta* were produced in Toulouse.

Whoever the author is, this neglected document sheds some interesting light on Franciscan education in the late thirteenth century. The numerous questions contained in these nine long series are all quite unsophisticated and briefly dealt with. In a negative way, they

⁷⁴ On top of the previous questions, see *Quodl.* VIII, q. 31, *Utrum magistri pro scholaribus suis possint facere collectam*, and q. 32, *Utrum aliquis magister ut cedat lectionibus possit ab aliis pecuniam accipere, vel alii possint dare sine peccato*, Padova 426, f. 30ra. *Quodl.* I, q. 19, *Utrum lector vel simplex frater transgrediendo, ceteris paribus, magis peccet*, Padova 426, f. 2vb, does not provide any clue as to the setting of the question.

⁷⁵ Jacques du Quesnoy's place of origin is a village in Vermandois, today Parvillers-Le Quesnoy, département Somme. Although a subject of Philip the Fair, he refused to sign the appeal against Boniface VIII in 1303. His teaching is only known indirectly, through critiques by Godfrey of Fontaines (*Quodl.* X, q. 13) and others, and the *Sentences* commentary reported by Vital du Four; cf. Doucet, “Les neuf *Quodlibets* de Raymond Rigauld.”

⁷⁶ Raymond was provincial minister of Aquitaine a first time in 1279 and again in 1295, but died soon after this second election; cf. Dedieu, “Les ministres,” pp. 164–6. The fact that *Quodl.* VI, q. 34, deals with a similar case as does Olivi in Montpellier in 1290 could provide a further indication: a date around 1290 in Toulouse would fit in well with the chronological indications we have so far.

testify to a lack of first-rank thinkers occupying the Franciscan chair in Paris between Richard of Menneville and William of Ware.⁷⁷ But in another sense, they offer positive evidence for an important development. The most interesting aspect of these texts is that they display the first pervasive acculturation of a French Franciscan to the Aristotelian corpus and its commentaries. One of the most telling examples is provided by *Quodlibet* VI, q. 14: "Whether our intellect is active or passive?" Hardly a decade earlier, this question could have fueled explosive polemics. Here, the problem is quietly solved by explaining Averroes' commentary on the *De anima*.⁷⁸ In the same way, some moral questions directly touch upon minute details of Aristotle's *Ethics*.⁷⁹ The number of questions dealing with natural philosophy, which could as well have been discussed within the arts faculty, is also unusually striking,⁸⁰ as well as the problems linked to the practice of magic.⁸¹ They probably reveal less the master's tastes for such topics than the interest of his students.

Therefore, despite their limited doctrinal interest, these series have an important historical value. They provide an answer to a discontinuity unexplained so far. What happened to the mainstream of

⁷⁷ Wadding ascribes some *Quodlibeta* to Ware, but only his *Sentences* commentary has survived; cf. R.L. Friedman, "The *Sentences* Commentary, 1250–1320. General Trends, the Impact of the Religious Orders, and the Test Case of Predestination," in *Mediaeval Commentaries on the Sentences of Peter Lombard*, G.R. Evans, ed. (Leiden 2002), vol. 1, pp. 63–5.

⁷⁸ *Quodl.* VI, q. 14: *Utrum intellectus noster sit passivus vel activus*: "... Respondeo dicendum quod licet prima divisio potentiarum sit per activam et passivam, tamen sicut insinuat Commentator in principio tertii *de anima*, potentie alique sunt active, alique passive, alique utraque, et talem credo intellectum . . ."; Padova 426, f. 20ra–b.

⁷⁹ *Quodl.* IV, q. 8: *Utrum incontinens et intemperatus agat per electionem*, Padova 426, f. 12vb, explains the difference between incontinence and intemperance in Aristotle; *Quodl.* V, q. 15: *Utrum vir debeat regere uxorem principatu politico vel despotico*, Padova 426, f. 16va; *Quodl.* VI, qq. 17–19: *Utrum complacentia visus sit causa amoris*, *Utrum perfecta amicitia possit esse ad plures*, and *Utrum senectus impediat amicitiam*, Padova 426, f. 20va–b, are mere discussions on the eighth book of the *Ethics*.

⁸⁰ *Quodl.* VI, qq. 15–16: *Utrum nobilis generet nobilem* and *Utrum nobilitas intendatur ex successione*, Padova 426, f. 20rb–va.

⁸¹ *Quodl.* IV, q. 14: *Utrum omnis operatio artis magice prohibeatur primo precepto prime tabule*, Padova 426, f. 13rb–va; *Quodl.* V, q. 7: *Utrum demones virtute verborum, lapidum vel herbarum possint fugari vel ad aliquid agendum compelli*, Padova 426, f. 15vb, repeated almost literally in *Quodl.* VIII, q. 11: *Utrum intelligentia flecti vel cogi possit per aliquid vel ab agente corporali, puta verbis, lapidibus vel herbis*. Few quodlibetal questions deal directly with such practices, like Henry of Ghent, *Quodl.* VIII, q. 35: *Utrum aliquis lapis posset sua virtute fugare demones*, or Robert Walsingham, *Quodl.* I, q. 22: *Utrum aliquis possit sine peccato appetere scire artes magicas*.

Franciscan theology between the “Aquinas moment” in the 1270s (grouping under this heading a wide range of reactions to Thomas Aquinas, from total rejection to partial acceptance) and John Duns Scotus? The answer can be stated in a very straightforward manner. Long after everyone else, the Friars Minor finally went through a first-hand assimilation of Aristotle’s natural and moral philosophy. While they may have already existed in Paris and Oxford since the late 1260s, Franciscan *philosophica studia* are referred to for the first time in the 1279 general statutes.⁸² By 1292, the General Chapter would insist that all provinces should organise such classes for their youth.⁸³ Various testimonies in provincial chapters tend to show that, during the last two decades of the thirteenth century, such philosophy courses were indeed organised at the custodial level.⁸⁴ Scotus’ immediate success can best be understood in such a perspective. He offered his brethren the first comprehensive set of tools to master this conceptual framework and to integrate it into an up-to-date theological construction.

Debates on the Olivi Case

In the meantime, Peter John Olivi was certainly considered the most innovative and provocative Franciscan thinker, as the continuous critical interest in his works throughout the period demonstrates. A common feature of quodlibetal disputes is their polemical orientation. This element is also present in the collections under discussion, where

⁸² M. Bihl, “Statuta generalia ordinis edita in capitulis generalibus celebratis Narbonae an. 1260, Assisii an. 1279 atque Parisiis an. 1292,” *AFH* 34 (1941), p. 76.

⁸³ F. Ehrle, “Die ältesten Redactionen der Generalconstitutionen des Franziskanerordens,” *Archivum für Literatur und Kirchengeschichte des Mittelalters* 6 (1892), p. 64: “Item vult generale capitulum quod ministri in suis provinciis ordinent studia in artibus pro iuvenibus provincie instruendi.” B. Roest, *A History of Franciscan Education (c. 1210–1517)* (Leiden 2000), pp. 137–46, deals more generally with the friars’ philosophical culture but does not provide a clear picture of the emergence of these *studia philosophica*.

⁸⁴ F. Delorme, “Constitutiones provinciae Provinciae (saec. XIII–XIV),” *AFH* 14 (1921), pp. 423–4; M. Bihl, “Statuta provincialia provinciarum Aquitaniae et Franciae (saec. XIII–XIV),” *AFH* 7 (1914), p. 481. The composition of the famous Aristotelian florilegium *Parvi Flores*, by *Johannes de Fonte* (Jean de la Fontaine in French), Franciscan lector in Montpellier in the first decade of the fourteenth century, is another good sign of the generalization of these new philosophical studies.

it often takes the particular form of internal Franciscan polemics. Richard of Menneville was a member of the commission that censured Olivi in 1283. Taking over the Franciscan chair at Paris within a year, Richard might have expected that some students would take the opportunity of a public disputation to interrogate him on that issue. Richard's first *Quodlibet* indeed contains a question that has a very distinctive Olivian tone. Despite the clumsiness of its formulation, it clearly relates to an article of the *Littera septem sigillorum* drawn up against Olivi the previous year. The question asks "whether a relation is really identical to the term in which it is founded."⁸⁵ Richard has an easy job explaining that a relation by definition depends on both of its terms, and thus cannot be identical to only one of them. The exact phrase that often appears in Olivi is rather that "a relation *does not add* anything different in reality to the term in which it is immediately founded."⁸⁶ It does require the existence of both of its terms, but it is ontologically neutral for both of them. Anyhow, Richard was soon to face more directly the radical destruction of superfluous entities which is at the heart of Olivi's philosophical project. In his second *Quodlibet* a parallel question was asked in a more precise manner, this time concerning the category of quantity.⁸⁷ The opinion recited by Olivi, and considered by his censors as being "against the Philosopher and dangerous," was that the quantity of an extended substance merely signifies the position of its extended parts, but does not relate to something different in reality from the substance itself. The answer that Richard provided was of great importance in the history of philosophy. His attempt to demonstrate that the quantity is *realiter differens* from the substance, mostly

⁸⁵ Richard of Menneville, *Quodl.* I, q. 9: *Utrum relatio realiter idem sit cum suo fundamento* (ed. Brescia 1591), pp. 14–15. Compare with G. Fussenegger, "Littera septem sigillorum contra doctrinam Petri Ioannis Olivi edita," *AFH* 47 (1954), p. 52, art. 16: "Item, dicere quod predicamenta non distinguuntur realiter est contra Philosophum, et maxime de relatione et quantitate est periculosum."

⁸⁶ Peter John Olivi, *Quaestiones*, ed. Jansen cit., vol. II, q. 57, p. 346: "Quidam autem nihilominus respondent obiectioni huic dicendo quod relatio nihil realiter differens addit ad id in quo immediate fundatur"; q. 54, p. 260: "non videtur quod relatio aliquid reale addat ad illud super quod immediate fundatur." On this issue, see A. Boureau, "Le concept de relation chez Pierre de Jean Olivi," in *Pierre de Jean Olivi*, Boureau and Piron, eds., pp. 41–55.

⁸⁷ Richard of Menneville, *Quodl.* II, q. 14 (ed. Brescia 1591), pp. 50–3: *Utrum quantitas dicat rem aliquam ultra substantiam, cuius est quantitas, loquendo de re absoluta*. The main expression of Olivi's view of this issue is to be found within the *Impugnatio XXXVII articulorum*, art. 32, in *Quodlibeta*, ed. Soardi, ff. 49vb–53ra.

on theological grounds, is probably the main source through which William of Ockham became aware of the Olivian position, which he made his own in his own singular argumentation.⁸⁸

During his third and final *Quodlibet*, Richard had to answer two more questions connected with Olivi's censure. One can be seen as a theological consequence of the previous position. The 1283 commission had considered it false to say that "character does not posit more in the soul than the dedication does in a church." Now, someone was asking Richard whether he thought that character posited something *absolute* in the soul, or that it was no more than a relation.⁸⁹ His justification of the censure was here firmer than the position he took on another contested issue. In a question on divine knowledge, Olivi had used some strong words against William de la Mare's corrections of Thomas Aquinas on how the divine eternity is present to contingent futures. Siding for once with the Dominican master, Olivi considered William's notion that contingent futures could only be present to God in a causal way as "heretical." His Franciscan examiners did not approve; in the margin of a manuscript copied for the use of the commission, one of them remarked that the attack against William was "stupid." The fifth article of the *Littera* pointed to this irreverent development, stating that "it is false to say that non-beings are present to God in His proper nature and essence, otherwise than through their cause, and that calling this position heretical is erroneous."⁹⁰ When asked whether futures are

⁸⁸ See William of Ockham, *Quodlibeta septem*, ed. J.C. Wey, (St. Bonaventure, NY, 1980), *Quodl.* IV, qq. 19–28, pp. 395–445; idem, *Summa logice*, eds. P. Boehner and G. Gál (St. Bonaventure, NY, 1974), cap. 44–8. Cf. D. Burr, "Quantity and Eucharistic Presence: The Debate from Olivi through to Ockham," *Collectanea Franciscana* 44 (1974), pp. 5–44, and idem, *Eucharistic Presence and Conversion in Late Thirteenth Century Franciscan Thought* (Transactions of the American Philosophical Society, 74) (Philadelphia 1984).

⁸⁹ Fussenegger, "Littera," art. 21: "Item, dicere quod character nihil plus ponit in anima quam dedicatio in ecclesia, falsum est." Richard of Menneville, *Quodl.* III, q. 15 (ed. Brescia 1591), pp. 108–9: *Utrum character dicat aliquid absolutum in anima*. His answer begins with a presentation of Olivi's position: "Ad istam quaestionem dicunt <quidam> quod character est relatio tantum qua ordinatur anima ad hoc ut sit Dei templum, sicut consecratio ecclesiae non est aliud quam quaedam ordinatio, ad hoc, ut sit templum."

⁹⁰ William de la Mare, *Correctorium fratris Thomae*, ed. in P. Glorieux, *Les premières polémiques thomistes. Le Correctorium Corruptorii 'Quare'* (Kain 1927), art. 3, pp. 18–20. BAV, Borgh. 322, f. 159rb in marg.: "hic loquitur stulte contra fratrem Guillelmum de Mara." G. Fussenegger, "Littera," p. 51: "Item dicere quod res que non sunt, sint presentes Deo in sui propria natura et essentia, et aliter quam per ydeam vel

really present to eternity, Richard had to undertake a sort of mine-clearance exercise. Inasmuch as eternity coexists with our present, he explained, future beings cannot be really present to eternity for this would imply that they are also present to our present; this is the way in which one should understand the words of some great masters who deny such a co-presence. Once the authority of William has been safeguarded, the rest of the question goes on to offer a view that is much closer to Aquinas and Olivi.⁹¹

These four questions show that there were in Paris, if not sympathizers, at least persons interested in understanding the reasons for this censure, at a time (Spring 1285) when Olivi was himself writing a long apology, justifying his views and humbly begging the seven-man commission for an explanation of his errors,⁹² or during the following years, when he was waiting in vain for an answer. The same types of interrogation recur in the earlier series of the Todi-Padua collection, which were either produced during the same interval or immediately afterwards, when Olivi had been reinstalled in a teaching position by Matthew of Aquasparta. The second *Quodlibet* has a question on quantity. The answer is clearly dependent on Richard's exposition of the debate.⁹³ The author first presents an *opinio inopinabilis*, according to which the quantity would not add anything to the substance, and contrasts it with the *positio vera probata ab antiquo*. The same dependence is even more obvious in the tenth question of the same series, asking "if the relation is really identical to the term in which it is founded."⁹⁴ The answer is, again, an easy

per suam causam, est falsum; et dicere quod sit hereticum, est erroneum." On this issue, see S. Piron, "La liberté divine et la destruction des idées chez Olivi," in *Pierre de Jean Olivi*, pp. 71–89.

⁹¹ Richard of Menneville, *Quodl.* III, q. 1 (ed. Brescia 1591), pp. 84–6: *Utrum futura sint realiter praesentia aeternitati*. Cf. "si consideremus <sc. aeternitatem> in quantum totum coexistit nostro praesenti vel in quantum nostrum praesens coexistit ei; sic dico quod futura non sunt realiter praesentia aeternitati quia ex hoc sequeretur quod futura essent realiter praesentia in nostro praesenti. Et sic debet intelligi verba quorundam magnorum qui negant futura esse realiter praesentia aeternitati."

⁹² "Responsio fratris Petri Ioannis ad aliqua dicta per quosdam magistros parisienses de suis quaestionibus excerpta," ed. D. Laberge in "Fr. Petri Iohannis Olivi, O.F.M., tria scripta sui ipsius apologetica annorum 1283 et 1285," *AFH* 28 (1935), pp. 130–55, 374–407.

⁹³ *Quodl.* II, q. 5: "Utrum substantia sit id ipsum re quod quantitas," Padova 426, f. 4ra–b.

⁹⁴ *Quodl.* II, q. 7: "Utrum relatio sit suum fundamentum realiter," Padova 426, f. 4rb. The answer is parallel to, but not identical with, that of Richard.

rejection of such a proposition. These two questions strongly suggest that this *Quodlibet* must be later than Richard's second *Quodlibet*, which would allow Advent 1286 or Lent 1287 as the earliest possibilities.

More interestingly, on the occasion of his first *Quodlibet*, the same master was also questioned about Olivi's view on Franciscan poverty. It is quite unfortunate that we will never know precisely what he thought. As a later question on poverty shows, he felt bound on that issue by the bull *Exiit qui seminat* to the point of refusing to say anything on the matter except literally quoting the papal constitution.⁹⁵ This prudent attitude stems, in the first place, from deference toward a document which had prohibited, on pain of excommunication, any further debate on the issues it was defining. But the question of *usus pauper*, precisely, was not defined by the bull. The bone of contention between the groups that had already crystallized in Languedoc ca. 1281–82, around Olivi on the one side and Arnaud Gaillard on the other, was to decide whether the notion was implied or denied by *Exiit qui seminat*. The answer the first *Quodlibet* provides does not engage in the discussion for yet another reason: it displays a total misunderstanding of the question that the audience submitted. Both manuscripts agree on the phrasing of the question, which reproduces almost literally the title of Olivi's ninth question *De perfectione evangelica* and corresponds to the heart of the debate: "Is the poor use included in the vow of poverty?"⁹⁶ Instead, the answer is given to an almost absurd question, which would have been "whether poor use is *excluded* by the vow." It would have been a higher and more difficult problem, writes the unidentified master, to decide whether someone, by his vow of poverty, is obliged to poor use; instead, one can easily show that, according to *Exiit qui seminat*, the vow of poverty excludes every type of possession, except the simple fact of use that is indispensable to human life.⁹⁷ The misunderstanding is so gross

⁹⁵ *Quodl.* IV, q. 20: "Utrum habere in communi diminuat de perfectione religionis," Padova 426, f. 14ra: "Nichil ergo circa hoc dico, sentio, determino nisi quod ad litteram dicit dicta constitutio."

⁹⁶ Petrus Ioannis Olivi, *De usu paupere. The Quaestio and the Tractatus*, ed. D. Burr (Florence-Perth 1992).

⁹⁷ *Quodl.* I, q. 24: "Utrum paupertatis votum includat pauperem usum," f. 3ra-b: "<questio> non querit utrum aliquis ex voto paupertatis teneatur ad usum pauperem, que esset questio altior et difficilior, sed querit utrum votum paupertatis per quod excluditur omnis modus proprietatis excludat etiam usum quemcumque pauperem. Ad hoc autem intendit Summus pontifex in declaratione regule beati francisci per hec verba: 'nam cum in rebus temporalibus sit considerare precipuum

that one may wonder whether it was not a tactical move, to avoid engaging in a thorny discussion.

The polemics of Vital du Four are of a different type. They also happened at a time when Olivi's censure had been temporarily lifted (from 1287 to 1299, no charge was retained against him). Following Arnaud Gaillard's footsteps a decade later, Vital's attacks on many different issues were not grounded in a list of condemned propositions, but on an actual and detailed reading of the controversial texts. Both of his Toulouse *Quodlibeta*, which are preserved in a more elaborate fashion than the earlier Montpellier one, contain such discussions. In *Quodlibet* II, Vital opposes two important and connected theological topics, on the mediating role of superior angels in the transmission of substantial glory, and on the natural superiority of Christ's human soul over the angels.⁹⁸ Olivi treated the first theme in a long disputed question that served as a prologue to his commentary on the *Celestial Hierarchy*, where he openly took a position contrary to "all modern doctors."⁹⁹ Vital presents this view with a tone of respect, as being "fortified by many reasons and similitudes," and promises to return to the issue (which he never did) to offer a fuller discussion. His third *Quodlibet* contains two more attacks that coincide this time with the censure, objecting to Olivi's attempt to deny the famous Augustinian *rationes seminales* any real productive function in the generation of forms.¹⁰⁰

During this final decade of the thirteenth century, Olivi was not only the subject of attacks. Although the evidence is scarce, he was on his way to becoming an original but also authorized voice in the spectrum of Franciscan theology. This is for instance the way in which the anonymous author of some preparatory notes to a com-

proprietatem, possessionem, usufructum, ius utendi et simplicem facti usum, ultimo tamquam necessario egeat, licet primi carere possit vita mortalium, nullam prorsus potest esse professio que a se usum necessarie sustentacionis excludat.' Contrarium autem huius ex certa scientia determinantes in scolis seu predicantes sunt excommunicati, nec per aliquem nisi per romanum pontificem possunt absolvi."

⁹⁸ Vital du Four, *Quodl.* II, q. 2, ed. Delorme cit., pp. 45–62, and q. 12, p. 84. The latter question, "Utrum anima Christi et Virginis gloriosae praevaleant et magis sint Deo acceptae quam tota alia curia coelestis simul," may also contain a discussion of a lost work by Olivi on the same issue; cf. "Les oeuvres perdues," pp. 370–1.

⁹⁹ Petrus Johannes Olivi, *Quaestio de angelicis influentiis*, ed. F. Delorme, in Bonaventura, *Collationes in Hexameron et Bonaventuriana quaedam selecta* (Quaracchi 1934), pp. 363–412.

¹⁰⁰ Vital du Four, *Quodl.* III, qq. 5–6, ed. Delorme cit., pp. 135–62.

mentary on the first book of the *Sentences* used him, along with Aquinas, Bonaventure, Giles of Rome and some others.¹⁰¹ It is not necessary to restate here how much Peter of Trabibus was indebted to Olivi. This is due in large part to the fact that he attended Olivi's lectures on the *Sentences* in Florence in 1287–89 and made an abundant use of it in his own commentary. The *Quodlibeta* testify that Trabibus also paid attention to Olivi's later output. In a question on the profit of merchants, in his second *Quodlibet*, he employed both Henry of Ghent's notion that merchants deserve a salary for the utility of their contribution to the common good, and an argument of Olivi's *De contractibus*, written two or three years earlier, on the variety of human opinions on the just price of goods, which requires that it fluctuate within an appropriate range.¹⁰²

The Interest of Being away from Paris

To conclude this survey, the main question raised by the material presented so far should finally be addressed: was there anything specific to these quodlibetal disputes held by Franciscan teachers in provincial *studia*? The answer has to be modest for, as we have seen in the case of the Rigaud-Le Quesnoy series, it is impossible to distinguish at first glance whether a *quodlibet* was disputed in a university setting or elsewhere. Furthermore, these disputes were obviously modelled on the Parisian practice and display many similarities. The main lesson that we can draw from these documents has an historical character: from 1280 to 1300 and beyond, Montpellier, Toulouse, Narbonne and Florence have to be considered important centers on the intellectual map of Europe. The practice of *quodlibeta* and the preservation of these types of disputations in the first place reflect the vitality of the intellectual life in those Franciscan *studia*. Leaving aside the idiosyncratic peculiarities of each author, two structural differences can be identified. In contrast with the situation implied

¹⁰¹ Firenze, Biblioteca Medicea Laurenziana, Conv. Sopp. 123, ff. 71vb–81vb, described in Del Punta and Luna, *Aegidii Romani Opera Omnia, I. Catalogo dei manoscritti (96–151)*, 1/2* *Italia*, pp. 50–69. This manuscript was in the possession of the Florentine Carmelites in the early fifteenth century, but there is no evidence about the origin and religious order of its author.

¹⁰² Peter of Trabibus, *Quodl.*, II, q. 20, Firenze, BN Centrale, Conv. Sopp. D. 6. 359, f. 117va: "Utrum licitum sit rem vendere carius quam sit empta."

by the Parisian *quodlibeta*, a Franciscan lector did not face university colleagues and their students. The small group of pupils (not more than a dozen) following his classes in the *studium generale* made up the main part of the learned audience that was most likely to raise questions during a *quodlibet*. This is why some of these disputations show strong signs of connection with the teaching delivered throughout the year. In the case of Peter of Trabibus, we are fortunate to possess both the daily lectures on the *Sentences* and the *Quodlibet* disputed probably near the end of the academic year. On two occasions, Trabibus refers to what he had said during the year.¹⁰³ This was not a way to escape a difficulty, but rather a sign that those questioners were seeking further explanation on issues already touched upon by the teacher.

The other distinctive element of these disputes derives from the fact that they attracted persons exterior to the convent. Though a university *quodlibet* may have been open to outsiders, it would still retain mainly an academic character. In some cases at least, the types of sessions examined here appear to have been important local events. The reprobation of Umberto Guidi in 1315 offers the most telling expression of this fact. The young bachelor had created a scandal made even more serious since it was public and happened “in front of a multitude of friars and other literate men, seculars, clerics and members of other religious orders”—this circumstance being emphasised twice by the provincial chapter.¹⁰⁴ In other words, his extravagant attitude was perceived as damaging to the public image of the convent. The audience is interestingly described as belonging to three categories. In the place of the fellow university masters, a public *quodlibet* would draw lectors from the other religious houses present in the city. Thus, the competitive aspect of the quodlibetal disputation was not totally lost, although it was reduced to a smaller scale. Members of the secular clergy, whatever their level of education was, would have been attracted by a rare occa-

¹⁰³ Peter of Trabibus, *Quodl.* I, q. 8, Firenze D. 6. 359, f. 108ra: “respondeo dicendum quod sicut fuit dictum hoc anno super secundum Sententiarum, magna est silva opinionum de istis speciebus . . .”; *Quodl.* I, q. 30, f. 111rb: “sicut dixi hoc anno de donis et virtutibus . . .”

¹⁰⁴ Kaeppli and Dondaine, *Acta capitulorum*, p. 197: “dum disputaretur de Quolibet in conspectu multitudinis fratrum, secularium, clericorum et aliorum religiosorum . . . coram multis sic congregata multitudine fratrum at aliorum litteratorum virorum secularium, clericorum et aliorum religiosorum.”

sion of public debate on theological issues.¹⁰⁵ But the first category mentioned by the chapter is educated lay people.¹⁰⁶ Their attendance would make these public disputations important events of civic life. As Ruedi Imbach has rightly reminded us, the historiography of medieval thought has too easily forgotten its exclusive focus on clerical culture, leaving out of the picture the presence of lay people whose contribution was far from insignificant.¹⁰⁷ These local quodlibetal disputes were some of the few moments in which a lay audience could be directly confronted with scholasticism. Such occasions are probably among those Dante referred to when he recalled his presence *ne le scuole de li religiosi e a le disputationi de li filosofanti*.¹⁰⁸ The time of his first theological and philosophical education (1294–95) coincides with the activity of Peter of Trabibus in Santa Croce. It is quite likely that the young poet attended Trabibus' first *Quodlibet* in the spring of 1295. More adventurously, I have suggested that he may even have raised a question in which he would have expressed the dilemma he was facing because of the dual orientation of his learned endeavours.¹⁰⁹ In the same fashion, a *quodlibet* in Montpellier during the 1290s might have attracted students and masters from the Faculty of Medicine, at a time when Arnau de Vilanova was teaching there.¹¹⁰ In order to recall the amazing density of lay intellectuals active in this area who had a strong interest in theological debate, we should remember that Ramon Lull was also about. More than the University of Paris, which proved quite hostile to them, the mendicant *studia* would have been a friendlier setting for an encounter between people of different cultural backgrounds.

Both of these general characteristics are reflected in Olivi's *Quodlibeta*. The first three, disputed in Montpellier, contain a number of philosophical and theological questions addressing problems that he had

¹⁰⁵ The attendance of large crowds on such occasions, with both mendicant and secular teachers of theology, is amply attested in the 'Quodlibetal revival' of the mid-15th century in Germany and the Low Countries. See Meier, "Les disputes quodlibétiques en dehors des universités," and texts in L. Baudry, ed., *La querelle des futurs contingents (Louvain 1465–1475)* (Paris 1950), e.g. pp. 76, 293–4, 388.

¹⁰⁶ I understand "secularis" in contrast to both "clericus" and "religiosus."

¹⁰⁷ R. Imbach, *Dante, la philosophie et les laïcs* (Fribourg-Paris 1996).

¹⁰⁸ *Convivio* II, xii, 7.

¹⁰⁹ Piron, "Le poète et le théologien." The question asks "utrum scientia litterarum humanarum vel bonitas intellectus conferat ad sanctitatem anime" (edited at the end of the paper).

¹¹⁰ A full study of Arnau's relation to Olivi is still lacking, but it is beyond doubt that they came in contact during this period.

dealt with years before. It seems as though he was asked by his students to provide a synthesis or to complement these earlier writings.¹¹¹ The most original developments are some sets of questions, described as *quaestiones textuales*, that address exegetical problems from the Old Testament. This type of question, especially when dealing with the ambiguous moral attitudes of biblical characters, sometimes appears in quodlibetal disputations,¹¹² but never as insistently as in Olivi. This reflects the fact that his teaching activities, at the time, focused mostly on biblical commentaries. Three of these questions appear in the first *Quodlibet*, and eight of them make up half of the second *Quodlibet*. A further collection of eleven such questions had a separate circulation. Francesc Eiximenis had a copy in his personal library, and another one was present in Candia.¹¹³ Only one of these questions is preserved in manuscript, in a codex copied for Bernardino of Siena.¹¹⁴ Fortunately, Lazaro Soardi chose to publish the whole lot immediately after the five *Quodlibeta*. The probability is fairly high that this series was conceived as another quodlibetal session, entirely devoted to such problems. This happened, in all likelihood, during the same academic year (1291–92) as the third *Quodlibet*, which is, in turn, totally devoid of such topics. In a negative way, the Narbonne collections confirm this correlation between the students' interests or the teacher's agenda and the themes touched on during the *Quodlibeta*. Not only do the biblical problems disappear, but metaphysical questioning is forgotten as well. In this "custodial school," providing a lower level of education, the focus is exclusively on practical issues.

Therefore, their main interest lies more in the social context that we can perceive through the themes proposed to the lector. Questions connected with trade and finance play an important part. Some were already raised in Montpellier. The recurrence of such questions must have been the initial stimulation that led Olivi to compose, in 1293, a more systematic treatise on these matters, where his previous quodli-

¹¹¹ For instance, Olivi's *Quodl.* I, qq. 6–7, return to the privation of free will dealt with in *Summa* II, q. 59. *Quodl.* III, q. 2, again asks if the relation adds anything *realiter differens* to its terms.

¹¹² For instance, in Gerard of Abbeville, *Quodl.* XVII, qq. 3–5.

¹¹³ D. Williman, *Bibliothèques ecclésiastiques au temps de la papauté d'Avignon*, vol. I. 2. *Inventaires de prélats et de clercs non français* (Paris 1980), p. 297, who does not identify the item described as "De textualibus disputationibus." Hofmann, "La biblioteca," p. 348, no 197: "Item liber de textualibus questionibus sacre scripture sine tabulis. Incipit: De textualibus."

¹¹⁴ Defraia, in Olivi, *Quodlibeta*, p. 16*.

betal questions are put to use and are quoted explicitly twice; in turn, a later *Quodlibet* refers to the treatise *De contractibus*. Despite the difference in literary genre, the Franciscan teacher was in both cases answering a social demand to provide guidance for consciences in cases related to commercial and financial activities. This field, in which Olivi's answers were especially successful, did not exhaust the curiosity, or sometimes the anxiety, of his audience. The questions submitted also frequently dealt with themes related to warfare, oaths, secrets and lies, sexuality or observing the Sunday rest. On three occasions, the case of entering religious life despite a promise to marry was placed under discussion. The number of problems foreign to Franciscan life indicates that the audience included people from outside the convent. Most of them were probably clergymen, as one can see via the frequency of themes concerning the practice of priestly functions, such as the holding of prebends and the possession of ecclesiastical goods, confession, baptism, the celebration of Mass, or administering the Eucharist.¹¹⁵

Nevertheless, some questions suggest the attendance of lay people who may even have taken the opportunity to ask the theologian publicly for advice. On at least one occasion, it can be shown that a question was directly connected to a local political issue. In July 1294, the consuls of Narbonne decided that the weights and measures used within the city should henceforth be controlled against their own standard. Then, at Olivi's fifth *Quodlibet*, which may have taken place within months after this decision, someone asked "whether one sins mortally if he uses weights and measures introduced in the whole city, not by the superior but by the plebeians."¹¹⁶ Olivi's brief answer may seem disappointing at first sight, since he does not engage directly in the political discussion. But the principle he states—there can be no fraud if the change of measures is made public and if everyone uses them honestly—entails an approbation of the consular policies. No matter which authority enforces it, civil justice requires

¹¹⁵ A confirmation of this is provided by the fact that Olivi wrote, probably in those years, a treatise *De missa*, especially intended for "the instruction of the simple priests." See S. Recchia, "Opera 'sancti' Petri Joannis Olivi ab admiratore transcripta. Il codice 1444 della Biblioteca Oliveriana di Pesaro," *AFH* 91 (1998), p. 476, and Piron, "Les œuvres perdues," p. 394.

¹¹⁶ Peter John Olivi, *Quodl.* V, q. 12, ed. Defraia cit., p. 326: "An scienter utens corruptis ponderibus vel mensuris, non per superiorem, sed per plebeios in tota urbe communiter introductis, peccet mortaliter."

the use of common standards. More generally, in those years, the consuls actively intervened in different fields of civil management, which both the archbishop and the viscount had deserted. The basic presuppositions of Olivi's economic writings followed the same trend, assuming that civil communities have the power and duty to set their own rules of civil justice.¹¹⁷ This short quodlibetal question, with its very limited doctrinal importance, epitomizes more clearly than any other document the significance of such *quodlibeta*. In a mid-sized town where the mendicant convents were the main sources of intellectual discussion, the lectors were invested with some sort of moral responsibility towards the urban community in which they lived. When, by chance, this duty fell upon one of the most acute minds of his time, the situation could result in an unusually rich social reflection.

¹¹⁷ For a more detailed discussion of this, see my paper, "Perfection évangélique et moralité civile. Pierre de Jean Olivi et l'éthique économique franciscaine," in *Ideologia del credito fra Tre e Quattrocento: dall'Astese ad Angelo da Chivasso*, B. Molina and G. Scarcia, eds. (Asti 2001), pp. 103–43.

POLITICAL *QUODLIBETA*

Roberto Lambertini*

In 2000 Jürgen Miethke published his monograph devoted to treatises *de potestate papae*.¹ In this book, the culmination of many years of research, Miethke claims that such treatises constituted a literary genre of their own, which played a pivotal role in the development of political languages and theories in the first half of the fourteenth century. The genre emerged in the years of the conflict between Philip the Fair and Boniface VIII, but once established, it served as one of the most important conduits of political theory in the fourteenth century. This does not entail, of course, that other literary genres—both then and in other periods—did not also play a role in the diffusion of political thought. The *specula principum* are probably the first to come to the mind of the reader who is conversant with the history of medieval political ideas.²

Although theological *quodlibeta* are not devoted exclusively to issues that are pertinent to political thought, as a mirror of princes or a *de potestate papae* treatise can be, single questions contained in a *quodlibet* can be very interesting for the student of medieval political ideas. For reasons connected to the institutional context of the medieval university,³ political *quodlibeta* do not exist in same sense that we speak of theological, juridical, or even medical *quaestiones disputatae*.⁴

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¹ J. Miethke, *De potestate papae. Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas von Aquin bis Wilhelm von Ockham* (Tübingen 2000).

² Cf. e.g. W. Berges, *Die Fürstenspiegel des hohen und späten Mittelalters* (Schriften des Reichsinstituts für ältere deutsche Geschichtskunde Monumenta Germaniae Historica, 2) (Stuttgart 1938), and A. De Benedictis, ed. (with A. Pisapia), *Specula principum* (Frankfurt am Main 1999).

³ C. Flüeler, *Rezeption und Interpretation der Aristotelischen Politica im späten Mittelalter* I (Amsterdam-Philadelphia 1992), pp. 1–34; Miethke, *De potestate*, pp. 21–4.

⁴ Cf. Bazàn et al., *Les questions disputées*.

In most cases, only a couple of questions can be employed for the study of political theory. Quodlibetal questions are nevertheless among our most valuable sources for reconstructing political languages and political ideas, mainly in the last decades of the thirteenth century, but also in the first twenty years of the fourteenth century, when the rise of *de potestate papae* treatises had already begun. As we shall see, quodlibetal questions only seldom approach a problem of political theory in a direct and general way. Perhaps not by chance, one finds general treatments more in later *quodlibeta* than in those dating from the thirteenth century, which tend to start from very specific problems and so usually discuss even core issues from the particular angle of the question at hand. If Georges de Lagarde managed to write one of his best essays (*La philosophie sociale d'Henri de Gand et Godefroid de Fontaines*)⁵ relying almost entirely on quodlibetal questions, this should not be attributed solely to his highly speculative approach to the history of political thought. Indeed *quodlibeta* provide us with enough material to discern many authors' political ideas—if not their political or social *philosophy*, in de Lagarde's sense. As was said, this is especially the case for the last decades of the thirteenth century, before the discussion found a new forum in the *de potestate papae* treatises.

Quodlibeta therefore constitute fascinating but extremely unsystematic and fragmented sources for the investigation of medieval political thought. Previous studies have far from sufficiently exploited these texts, however, so the aim of the present chapter must be restricted to showing—via some examples—how certain politically relevant issues were discussed in quodlibetal questions. The result will be a preliminary, albeit rough, mapping of the sources for the history of political thought that are embedded in quodlibetal questions. Specifically, the first section will deal with the unity of prudence, the second with the nature of secular and ecclesiastical property, the third and fourth with the subject of papal power within the Church and its limits, and the fifth with the question of the optimal form of government and the problem of the origins of power.

⁵ G. de Lagarde, "La philosophie sociale d'Henri de Gand et Godefroid de Fontaines," *AHDLM* 8 (1943–45) pp. 75–142. In my opinion, the reworking of the same materials contained in idem, *La naissance de l'esprit laïque au déclin du moyen âge II, Secteur sociale de la scolastique*, 2nd edition (Louvain-Paris 1958) is far from an improvement over this article, although the main thesis remains very similar.

Political Prudence

As I have indicated elsewhere,⁶ quodlibetal questions devoted to the problem of the unity of prudence may contain interesting deliberations concerning politics, because they discuss the relationship between two “kinds” of prudence, that is between the intellectual virtue as the leader of all moral virtues with respect to an individual’s life, and the same virtue as it applies to the life of the political community. The unity of prudence is itself a very broad issue, encompassing central problems of ethical theory such as the relationship between the intellectual and moral virtues or the connection of moral virtues with one another.⁷ This need not concern our present analysis directly. It should be noted that thirteenth-century authors were also encouraged to broach the question via an Aristotelian passage, a rather puzzling section from the sixth book of the *Nicomachean Ethics* (1141b23ff) that deals with a sort of classification of various kinds of prudence. Among them the Stagirite lists individual ethics, ethics of the household (what medieval authors called *oeconomica*), and politics. The context suggests that these different kinds of prudence have something in common but also differ in some way. Medieval commentaries were far from unanimous about what Aristotle’s real intention was in this passage. In 1310 Henry of Friemar could write “Haec littera a diversis diversimode exponitur” (“This passage is interpreted in various ways by different interpreters”).

Yet defining the relationship between individual virtue and politics was not solely an exegetical problem for those lecturing on the *Nicomachean Ethics*; its frequent surfacing in theological disputations attests to its broader relevance. The first example known to me is actually not a *quodlibet*, but a disputed question by Godfrey of Fontaines, who develops a long and detailed analysis of the problem of the

⁶ R. Lambertini, “Est autem et politica et prudentia, idem quidem habitus: appunti sul rapporto tra prudentia e politica in alcuni interpreti medievali del VI libro dell’*Etica nicomachea* (da Alberto Magno a Buridano),” *Etica & Politica/Ethics & Politics* 4 (2002); *Individuo ed universale nelle dottrine morali del Medio Evo latino*, guest editors G. Alliney and L. Cova (http://www.units.it/~dipfilo/etica_e_politica/).

⁷ O. Lottin, “La connexion des vertus chez Saint Thomas d’Aquin et ses prédécesseurs,” in idem, *Psychologie et morale aux XII^e et XIII^e siècles* III (Louvain-Gembloux 1949) pp. 197–252; “La connexion des vertus morales acquises de Saint Thomas d’Aquin à Jean Duns Scot,” *ibid.*, IV (Louvain-Gembloux 1954) pp. 548–663; see also S.D. Dumont, “The Necessary Connection of Moral Virtue to Prudence according to John Duns Scotus—Revisited,” *RTAM* 50 (1988), pp. 184–206.

unity of prudence in general, but also offers two possible interpretations of the controversial passage contained in the sixth book of the *Ethics*.⁸ Just a few years later, around 1294, James of Viterbo responds to the quodlibetal question (*Quodlibet* II, q. 17) *Utrum virtutes morales sint connexae*. A part of this lengthy question is devoted to the unity of prudence; James is aware of the existence of different opinions on this issue, but refuses either to accept individual prudence and political prudence as species of a genus (the solution championed by Aquinas), or to place them on a scale of perfection. James prefers to speak of different modes of a prudence that is one by analogy (thus echoing Albert the Great).⁹ At the beginning of the fourteenth century, the secular master Thomas of Bailly tackles the issue and, using Godfrey of Fontaines' disputed question extensively, argues that prudence possesses a specific unity, but that it can be differentiated according to varying degrees in different individuals. On the other hand, the difference existing between a prudent *paterfamilias* and a prudent politician is linked not only to the essence of prudence, but also to some instrumental aspects of its exercise.¹⁰

Around 1310 John of Pouilly is also very faithful to Godfrey of Fontaines, but emphasizes an argument that Thomas of Bailly did not employ: individual prudence and political prudence cannot differ by species, because this would render any kind of election impossible. In this discussion, albeit indirectly, we perceive an awareness that the political community—or at least some political community—

⁸ Godfrey of Fontaines, *Quaestiones ordinariae*, q. 3, in *Le Quodlibet XV et trois Questions ordinaires de Godefroid de Fontaines*, ed. O. Lottin (Louvain 1937), pp. 119–38.

⁹ James of Viterbo, *Disputatio secunda de quolibet*, q. 17, ed. E. Ypma (Würzburg 1969), p. 178. Cf. Albertus Magnus, *Super Ethica commentum et quaestiones*, lib. VI, lectio XI, in idem, *Opera Omnia* instruenda curavit Institutum Alberti Magni coloniense, B. Geyer Praeside, vol. XIV/2, ed. W. Kübel (Münster in Westfalen 1987), pp. 467–8: “Dicendum, quod prudentia et politica sunt idem habitus secundum subiectum, sed differunt secundum modum vel secundum rationem . . . divisio autem in modos, quando sunt tantum diversae rationes in participatione unius communis, sicut analogum dividitur. Et talis divisio est hic, quia diversae partes prudentiae, quas assignat, non sunt diversae species . . .”

¹⁰ Thomas of Bailly, *Quodlibeta*, II, q. 12, ed. P. Glorieux (Paris 1960), pp. 118–24; on p. 123 one reads: “Politica autem de legibus intendit qualiter erunt optime et utiles et potentiam (?) terre in qua civitas disponitur, et qualiter murus civitatis se habeant, et de aquis et de lauacris et de multis que nec ad prudentem nec ad yconomicum pertinent. Sed intelligendum quod cum ista non sint per se intenta sed quasi quedam adminiculantia . . . Et secundum hoc potest sic exponi dictum Philosophi VI *Ethicorum*: est autem politica et prudentia idem habitus, esse non vero idem, ut dicatur idem habitus propter unitatem primi et principalis obiecti, sed non idem esse eius propter diuersum esse et propter diuersitatem istorum adminiculantium . . .”

is not regulated according to a natural difference in prudence, unlike in the case of the family, where by nature the father possesses a higher degree of prudence than his wife and children.¹¹ We can also reconstruct a similar position from the much abbreviated version of Gerard of Saint-Victor's *Quodlibet* II, q. 5, *Utrum prudentia sit una* (1312–13?), which comes down to us in Prosper of Reggio's *recueil scolaire* in Vat. lat. 1086.¹² In another question in the same collection, however, Alain Gontier seems to admit not only a difference in degree, but also a distinction of reason.¹³ On the other hand, the political prudence that is necessary for living in an aristocracy is a different *habitus* from the one that is suitable for an oligarchy.¹⁴ Gontier does not expand on this point, but it is likely that he means that different kinds of virtue fit different types of constitution. This was, after all, a commonly accepted explanation for a passage in the third book of Aristotle's *Politics*, according to which a good man and a good citizen are not necessarily identical.¹⁵

In his *Quodlibet* III, q. 10, from between 1314 and 1315,¹⁶ Guy Terrena answers the question *Utrum prudentia sit una omnium agibilium*. He, too, rejects the idea of different species of prudence, maintaining

¹¹ John of Pouilly, *Quodl.* IV, q. 8 (in the version contained in BAV, Vat. lat. 1017, ff. 158rb–161vb), f. 161vb: "...propter consimilem rationem potest etiam esse perfectior <scil. prudentia> uel eque perfecta in subdito quam in principe, alioquin de subdito numquam poterit fieri princeps, quod falsum est..."

¹² BAV, Vat. lat. 1086, f. 224va; for a detailed description of the manuscript, see *Codices Vaticani Latini* II, pars prior, codd. 679–1134, ed. A. Pelzer (Vatican City 1931), pp. 654–83; on Prosper of Reggio see Schabel-Courtenay, "Augustinian *Quodlibeta*," in volume II of this book.

¹³ Alain Gontier, *Utrum prudentia monastica, yconomica et politica sint una prudentia*, BAV, Vat. lat. 1086, ff. 243ra–vb; esp. f. 243va: "Item: status politici est status virtutis aquisite et exercende, ita est eadem virtus et eadem prudentia; differunt autem secundum magis et minus, quia magis perfecte est in politico... est differentia secundum rationem, quia propter bonum ordinis oportet aliquos preesse; nam factus quis de subdito prelatus, non est mutatus quantum ad prudentiam, sicut nec monachus quando est factus abbas."

¹⁴ Alain Gontier, *Utrum prudentia monastica, yconomica et politica sint una prudentia*, *ibid.*: "Set accipiendo diversimode ut aristocratica, que est virtuosorum, et oligarchica, que est divitum, sic certum est quod non est idem habitus, sicut etiam alia est domini et servi."

¹⁵ For this issue in medieval commentaries on Aristotle's *Politics* see the lists in C. Flüeler, *Rezeption und Interpretation der Aristotelischen Politica im späten Mittelalter* II (Amsterdam-Philadelphia 1992) pp. 107, 116, 144, 147, 150, 155, 156, 159, 161; the relevant passage is *Politica* III: 1278b1–5, medieval Latin translation in *Aristotelis Politicorum libri octo cum vetusta translatione Guilelmi de Moerbeka*, ed. F. Susemihl (Leipzig 1872), p. 173.

¹⁶ See Schabel, "Carmelite *Quodlibeta*," in volume II of this book.

that prudence must be essentially one. Otherwise, the process according to which a former subject becomes *rector civitatis* would be inconceivable, since prudence must be acquired through experience and—obviously—nobody can experience the role of the ruler without being in charge. Echoing Godfrey of Fontaines' solution, Guy Terrena admits only a difference in perfection or distinctions *secundum rationem*.¹⁷

Quodlibetal discussions bear witness to a lasting effort to find a solution that could both safeguard the unity of prudence and account for the specificity of political prudence. The vast majority of authors tend to limit the difference between rule over oneself—so to speak—and rule over others to non-essential features of the same virtue. The masters even employ the historical experience of autonomous civic governments (which surfaces in the use of the expression “*rector civitatis*,” for example), applying the principle of alternation in offices, in order to argue against separating politics from the other branches of practical philosophy.

Possessions, Property Rights and Power

The first examples of quodlibetal disputations regarding the relationship between property and power are connected with the issue of ownership, whether of secular or ecclesiastical goods.¹⁸ Indeed, one of the most interesting texts in which Henry of Ghent voices his political views bears the title *Utrum bonum sit omnia esse communia*

¹⁷ Guy Terrena, *Quodl.* III, q. 10, BAV, Borghese 39, f. 158rb–160ra; f. 158rb: “Preterea, ut dicit Philosophus 6° *Ethicorum*, prudentia fit per experientiam que requirit multitudinem temporis, et si prudentia qua aliquis regit ciuitatem non est eadem secundum speciem cum illa qua quis regit se ipsum, tunc oportet quod rector ciuitatis acquirat eam per experientiam exercendo se circa actus regis. Tunc quero: quando acquirit istam prudentiam? Non quando est subditus, quia non exerceret actus regis ut circa eos possit//158va//experientiam accipere. Ergo in quantum aliquis antequam sit rector poterit habere prudentiam politicam, quia est inconueniens ut prius fiat rector quam sciat regere”; f. 160ra: “. . . propter quod dicit Philosophus: ‘Est autem politica et prudentia idem habitus’ secundum essentiam et specie, ‘esse non autem idem’ quia non <est> sic perfectus omnis habitus sicut alius semper, ut ex dictis patet, unde Commentator dicit ibi quod differunt ratione.”

¹⁸ For example, see Eudes of Châteauroux, who seems to have discussed in 1238/40 *Utrum primi rerum usurpatores, ut reges et principes, potuerunt sibi appropriare res de jure naturali communes sine peccato*; cf. Glorieux II, pp. 75–6.

in civitate. In this question, most probably discussed in 1279, Henry comes to terms with Aristotle's critique of Plato in the second book of the *Politics*. The Church approves the community of goods as far as religious communities are concerned, but it is sharply criticised by the Philosopher. After assessing the substantial agreement among the philosophers and the Apostle Paul about the social nature of man, Henry introduces a double distinction. First, one has to distinguish between two different "states" of mankind: the state of innocence and the fallen state. Second, it is possible to discern three ways of possessing things: holding everything in common, without any distinction; keeping private goods for oneself, without placing them at the disposition of others; retaining some goods for oneself and making another portion available for the use of others. In turn, this third possibility can be implemented either in cases of necessity alone or in every case that is fitting.

Building on this framework, Henry claims that Socrates (although Henry is well aware of the fact that in this case Plato is speaking through his teacher) never meant what Aristotle ascribes to him. According to his interpretation of the *Timaeus* (not having access to Plato's *Republic*), Henry thinks that Socrates and Plato imagined a community where each person loved the possessions of the others "as if they were his own" and was ready to share his own possessions with the others. Although it is not clear how the heathen Plato could be aware of this Christian truth, this would be the best solution, according to the secular master, because it fits the original uncorrupted human nature. This mode of possession was also adopted by Christians, even if in an imperfect manner, thanks to the help of divine grace. If we take into consideration fallen human nature, without grace, then Aristotle is right: goods should be owned privately and shared with others only in case of necessity. In conclusion, for Christians Henry suggests a sort of compromise between Plato and Aristotle: the more Christians love one another, the closer they come to Plato's solution. This is the case, e.g., for the more perfect religious orders; but the frailty and imperfection of men makes this impossible for the rest of society.¹⁹

¹⁹ Henry of Ghent, *Quodl.* IV, q. 20, in *Quodlibeta Magistri Henrici Goethals a Gandavo* (ed. Paris 1518, reprint Louvain 1961), ff. 134v–136r; f. 136r: "Et licet dispositio Socratis erat melior simpliciter, dispositio vero Aristotelis melior secundum statum naturae lapsae in solis naturalibus sine gratia existentis, neutra tamen est melior

Henry's question deserves our attention not only for his passionate defence of Plato (which by the way is also adopted by one of his most acrimonious adversaries, Giles of Rome),²⁰ but also because in this way the secular master stresses the difference between lay and ecclesiastical possessions. The issue of church possessions proved to be fruitful for further analysis in several respects. On the one hand, it was often connected with the problem of the taxation of lay and ecclesiastical goods. For example, in his *Utrum papa possit alicui pro utilitate ecclesiae concedere decimas de bonis laicorum, et eos ad earum solutionem compellere*²¹ (*Quodlibet* VI, q. 2, 1281/82), Henry argues in favour of the papal plenitude of power in order to justify the right of the Roman pontiff to grant an individual (one naturally thinks of a king who needs to finance a campaign or a crusade) the power to collect tithes from the laity and clergy alike. This is only acceptable in cases of necessity, however, and applies especially to lay goods, because with ecclesiastical goods arguments from necessity can be less compelling, since the clergy own their goods in com-

homini in statu naturae per gratiam reparatae quantum ad totum populum christianum; aut quantum ad communitates civitatum. Immo expedit dispositio media, partim communicans cum dispositione Aristotelis quo ad proprietatem possessionum et partim cum dispositione Socratis, scilicet quo ad communitatem affectionum. Quanto enim quis plus in gratia perficit, tanto communiorem affectionem habet ad omnes, et minus afficitur circa proprietarias possessiones; ita quod perfectio gratiae omnia propria facit abiicere et sua omnia aliis communicare, sicut nunc inter perfectiores in sacris religionibus observatur, quod tamen in communitatibus civitatum propter fragilitatem et imperfectionem hominum omnino observari non potest."

²⁰ For a more detailed analysis and comparison with Giles of Rome's *De regimine principum*, see R. Lambertini, "Philosophus videtur tangere tres rationes. Egidio Romano lettore ed interprete della Politica nel terzo libro del *De regimine Principum*," *DSTFM* 1 (1990), pp. 277–325. In his later *Quodlibet* III, q. 7 (ed. Louvain 1646, reprint Frankfurt am Main 1966), p. 145a, *Utrum nutritus in aliqua lege falsa possit naturaliter venire in cognitionem quod illa lex sit falsa*, Giles does not mention any interpretation "in meliorem partem" of Plato's "communism"; in this case it is only an example of an error which can be refuted by means of natural reason alone.

²¹ Henry of Ghent, *Quodl.* VI, q. 23, ed. G.A. Wilson (Henrici de Gandavo Opera Omnia, 10) (Leuven 1987), pp. 210–22, pp. 221–2: "Ratione ergo delicti atque peccati, ad minus tempore necessitatis, dico quod papa potest dare ad defensionem et sustentationem ecclesiae decimas accipiendas a laicis, et eis indicere, et si opus fuerit ad ipsas tribuendas compellere... Non enim potest deponere papa principes, nisi ratione delicti aut insufficientiae... et secundum hoc sacerdos apostolicus se habet ad reges et principes sicut architector civilis ad alios artifices in civitate. Sicut enim architectonici est praecipere, qui et quales debent exercere scientiam medicinalem, rhetoricam et sic de aliis in civitate, et quosdam admittere, quosdam repellere, sic sacerdos apostolicus debet considerare, qui et quales regna et principatus regere debeant et bonos honorare, malos autem et male agentes deponere, et alios loco illorum substituere..."

mon. This example shows how, in Henry's writings, the theory of different kinds of lordship can be linked to the issue of the relationship between secular and ecclesiastical powers. Moreover, as Matthew Kempshall has shown in a very important study, the problem of the limits of power can also arise in such quodlibetal questions.²² Returning to a similar although not identical question some years later (*Quodlibet* IX, q. 31, 1286), *Utrum clerici teneantur ad exactiones quas laici soluunt civitatibus et dominis temporalibus*, Henry stresses the fact that the clergy are not obliged to pay unless the defence of the faith or justice is at stake. But even in this case this should occur at the request of the bishops.²³ In attempting to reconstruct Henry's views from such responses, one gathers that he thinks that ecclesiastical goods are owned in a peculiar way and cannot be applied to purposes separate from the needs of the Church, unless an ecclesiastical authority gives special permission. In cases of necessity, the pope can also intervene in the temporal sphere in virtue of his plenitude of power.

In the same years, the Franciscan Roger Marston tackled the question of the right of secular rulers to tax their subjects, from the particular angle of a person who perjured while charged with assessing the value of goods for taxation. Here the Franciscan theologian stresses the limits of secular power in this respect.²⁴ Godfrey of Fontaines also expressed his opinion concerning taxation (especially on the part of temporal rulers) in several quodlibetal questions; in his *Quodlibet* VII, q. 14 (1290–92),²⁵ answering the seemingly abstruse question *Utrum retinentes quod eis impositum est teneantur illud restituere et hoc illi qui recipit dictam collectam ad firmam*—but which Matthew Kempshall has cleverly explained—Godfrey maintains that it is licit to pay a tax that a lord has exacted unjustly, in order to avoid a greater

²² M.S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford 1999), esp. pp. 192–4.

²³ Henry of Ghent, *Quodl.* IX, q. 31, ed. R. Macken (Leuven 1983), pp. 327–30.

²⁴ Roger Marston, *Quodl.* IV, q. 39, *Utrum possint absolvi nisi restituant, qui propter iuramentum suum faciunt alieno domino perdere de iure suo quando aestimant bona suorum de quibus reddere debent decimam vel decimam quintam*, in *Quodlibeta Quatuor*, eds. G.F. Etzkorn and I.G. Brady (Quaracchi-Florence 1960), pp. 450–2. It is noteworthy that Roger seems to be rather indulgent toward those who “resisted” unjust taxation with a false oath.

²⁵ For the dating of Godfrey's *Quodlibeta* I follow here Wippel's results: J.F. Wippel, *The Metaphysical Thought of Godfrey of Fontaines. A Study in Late Thirteenth-Century Philosophy* (Washington, DC, 1981), pp. 27–8, restated also in idem, “Godfrey of Fontaines (b. ca 1250; d. 1306–1309),” in *Individuation in Scholasticism. The Later Middle Ages and the Counter-Reformation, 1150–1650*, J.E. Gracia, ed. (Albany 1994), pp. 221–56.

evil.²⁶ Some years later (1295–96), Godfrey was confronted with a question that is wider in scope (*Quodlibet* XI, q. 17): *Utrum princeps dicens se habere causam pro utilitate reipublicae nec tamen huiusmodi necessitas est de se notoria possit imponere aliquam exactionem et subiecti teneantur solvere*. He used this opportunity to express his distrust of the hereditary principle and to claim, on Aristotle's authority, that a ruler must rule according to the laws and order his actions towards the common good. As a consequence, taxation is tied to consent. Godfrey remarks that tyrants, too, often appeal to the common good and claim that they have sought the advice of good counsellors; therefore, especially when there are good reasons for doubting the righteousness of the king and his curia, it is necessary for a sufficiently extended group of wise and faithful men to approve the decisions. If this is not the case, the subjects have the right to resist such unlawful taxation.²⁷ In the same *Quodlibet* XI, q. 12 (*Utrum solutio decimarum sit de necessitate salutis*), Godfrey admits that it is legitimate for the pope to ask Christians to pay tithes for purposes that are ordered toward the good of the Church. This does not mean, however, that he is ready to grant the pope a universal lordship over lay and ecclesiastical goods in general. He prefers not to give a determination on this issue, and limits himself to admitting that the pope possesses a plenitude of power in spiritual matters and consequently in temporal issues—such as the payment of tithes—that are crucial for the Church to reach its spiritual goal.²⁸ Moreover, in the following *Quodlibet* XII,

²⁶ Godfrey of Fontaines, *Quodl.* VII, q. 14, eds. M. De Wulf and J. Hoffmans (Louvain 1914), pp. 395–6: “Nunc autem in casu proposito, licet ille cui pecunia sic communitati imposita et ab ea exacta tribuitur iniuste, et male eam recipiat et sua potestate tyrannizans quadam violentia extorqueat, et eam etiam restituere teneretur, quia tamen a rectoribus communitatis ut maius malum totius communitatis evitetur tanquam malum minus hoc eligitur ut vexatio indebita redimatur, ideo ab eis iuste communitati imponitur.” Cf. Kempshall, *The Common Good*, pp. 248–50.

²⁷ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. J. Hoffmans (Louvain 1933), pp. 77–8: “. . . quod sufficit quod princeps dicat ita esse et quod hoc facit bono et magno consilio, non valet. Quia tali modo tyranni etiam dicere consueverunt. Et sic si non constet aliter de uno quam de alio, sicut tyrannus nititur principari secundum propriam voluntatem, ita et bonus princeps . . . In tali autem casu, scilicet cum princeps solo suo consilio privato contentus tale onus imponit nec vult quod aliis causa vel necessitas propter quam imponitur innotescat, deberent subditi resistere, si possent, quousque esset per praedictos prudentes sufficienter discussum; alioquin paulatim regnum in tyrannidem converteretur et subditi liberi redigerentur ad conditionem servorum subditorum.”

²⁸ Godfrey of Fontaines, *Quodl.* XI, q. 12, ed. Hoffmans cit., p. 60: “Si enim habet papa ius et dominium super omnia bona temporalia quorumcumque hominum in hoc mundo, non solum clericorum sed etiam laicorum, et de omnibus potest

q. 19, *Utrum status religiosorum nihil habentium sit perfectior statu aliquid habentium*, Godfrey observes that the pope is not even the lord of the ecclesiastical goods, but merely the steward, because they are owned in common by the whole Church.²⁹

Henry's and Godfrey's *quodlibeta* are among the most studied texts dealing with the issue of taxation, but one should not forget that other authors had to respond to similar questions in the same period of time. To recall only a few examples, in March 1282, in his *Quodlibet* I, qq. 1–2, Berthaud of Saint-Denis defended the clergy's exemption from tolls and similar duties, but also the papal right to grant exemption from royal taxes. While admitting papal superiority even in temporal matters, Berthaud conceded that it is licit for the pope to act in this way only in certain circumstances; nevertheless, if he does so in the absence of such conditions, solely by virtue of his plenitude of power, one should tolerate this abuse patiently.³⁰ In the mid-eighties of the same century, Richard of Menneville (Middleton) answered a question (*Quodlibet* II, q. 30) *Utrum clerici possint cogi ad solutionem exactionum factarum in civitate propter utilitatem boni communis*, where he argues in favour of the involvement of the clergy only in cases where their possessions (meaning those besides tenths and pious donations) would profit from an initiative aiming at the common

disponere, sicut aliqui videntur sentire, planum est quod posset ordinare sicut placeret quod tales talibus tantum vel tantum darent et debita quae aliquibus etiam laicis debentur posset remittere creditoribus. Et secundum hoc planum est quod potest statuere quod laici tantam vel tantam portionem bonorum suorum dent ministris Ecclesiae. Sed hoc dare papae est satis magnum. Sic enim, sicut facit translationem episcoporum et mutationem bonorum ecclesiasticorum et personarum, posset etiam uni principi auferre sui principatum et alteri dare et principem ab uno principatu ad alium transferre etiam sine delicto. Item principatus libere dividere et unire; quod tamen non libenter principes sustinerent. Sed de hoc ad praesens nihil determino; sed hoc tantum nunc assero quod papa per se et directe habet a Deo plenam potestatem in spiritualibus et in his quae ad salutem populi ordinantur; et in quantum ad hoc sunt bona temporalia quorumcumque necessaria, ex consequenti habet potestatem super illa."

²⁹ Godfrey of Fontaines, *Quodl.* XI, q. 19, ed. Hoffmans cit., p. 147: "... licet Papa tanquam Christi vicarius et pater ac praelatus quodam modo generalis sit omnium bonorum Ecclesiae ad utilitatem rei publicae dispensator..."

³⁰ Berthaud of Saint-Denis, *Utrum clerici teneantur solvere pedagia vel tributa; Utrum papa possit eximere clericos aut subditos principum a pedagio vel tributis*; edition in J. Leclercq, "Deux questions de Berthaud de Saint-Denis sur l'exemption fiscale du clergé," in *Études d'histoire du droit canonique dédiées à G. Le Bras* I (Paris 1965), pp. 607–17, esp. 611–13, 616: "Sed pone quod papa in hoc casu de plenitudine potestatis eximeret aliquem subditum principis a tributo de iure debito, numquid tenendum erit quod erit actum a papa? Responsio: dico quod si contingeret quod papa hoc faceret, adhuc pie tolerandum esset."

good.³¹ In *Quodlibet* III, q. 27, *Utrum laici subditi dominis temporalibus teneatur soluere tallias de nouo impositas, quae non vergunt nisi in utilitatem dominorum*, he supports the right to resist taxation exacted without the consent of the subjects and merely for the private benefit of the ruler.³² In 1298, Peter of Auvergne debated *Utrum princeps qui necessitate rei publicae imminente instituit vectigal aliquod in subditis, necessitate recedente, teneatur ipse vel successor eius remove illud, stipendiis sufficientibus ad dispensationem ipsius*.³³ Appealing to the axiom *cessante causa, cessat effectus*, Peter argues against the legitimacy, on part of the king as well, of perpetuating a state of emergency in order to make an extraordinary tax habitual.³⁴

One can appreciate the political implications of discussions concerning the rights of taxation on the part of secular and ecclesiastical rulers in James of Viterbo's *Quodlibet* I, q. 17 (1293/94), *Utrum papa possit absolvere aliquem usurarium, absque quod usuras restituat*. Superficially, the issue at stake here would appear to have no connection to the problems discussed above, but James grounds his positive answer on the assumption that the pope has jurisdiction—although in different ways—over all goods, both lay and ecclesiastical, in the same way that he possesses both spiritual and temporal power.³⁵ Matthew Kempshall is right to stress the close connection not only

³¹ Richard of Menneville, *Quodl.* II, q. 30, in *Opera*, IV (Brescia 1691), pp. 78–80, esp. p. 80: “Tunc dico quod si cives faciunt pontem refici, et vias reparari cum expensis proportionatis ipsis operibus et facultatibus clericorum, quod tunc clerici tenentur solvere partem suam, saltem de illis possessionibus in quibus levitica portio non consistit.”

³² Richard of Menneville, *Quodl.* III, q. 27, ed. cit., pp. 125–6, p. 125: “Utique liberi tantummodo talias, quae directe vel indirecte in boni communis utilitatem redundant, solvere tenentur . . .”

³³ Cf. E.A.R. Brown, “Cessante causa and the Taxes of the Last Capetians: the Political Applications of a Philosophical Maxim,” *Studia gratiana* 15 (1972), pp. 567–87; p. 587: “. . . sed cessante necessitate subditi non tenentur exhibere pedagium nec peccant si non exhibeant, tum quia statutum principis non obligat eos ad exhibendum nisi durante necessitate, tum quia non tenentur nisi ad ea que sunt necessaria uel expediencia ad saluationem boni communis, igitur cessante necessitate non debet princeps secundum iusticie equitatem vectigal exigere.”

³⁴ C. Flüeler, “Ontologie und Politik: *Quod ratio principantis et subiecti sumitur ex ratione actus et potencie*. Zum Verhältnis von Metaphysik und Politik in den ersten Kommentaren zur aristotelischen *Politica*,” *FZPT* 41 (1994), pp. 445–62, has pointed out that Peter has a tendency to corroborate his political theories with parallels to metaphysical principles.

³⁵ James of Viterbo, *Disputatio prima de quolibet*, q. 17, ed. E. Ypma (Würzburg 1968), pp. 207–15, p. 207: “Quia vero pecunia, vel id quod pecunia mensurari potest, est aliquod temporale, ideo papa huiusmodi donationem vel relaxationem facere non potest, nisi potestatem habeat et iurisdictionem super temporalibus.”

with the problem of the relationship between pope and king, but also with the historical circumstance that Philip the Fair exacted substantial sums from Jewish and Christian usurers; it is licit to use these large sums of money for other purposes only on the condition that it would be impossible for them to be returned to the people from whom they had been unjustly extorted.³⁶ Only the privilege of absolution from sin without the duty of restitution could make these profits morally “usable” by the king.

Recently, another important connection between this *quodlibet* and the events of the reign of Philip the Fair has come to light: Karl Ubl and Lars Vinx discovered that, in his prologue to *De potestate regia et papali*, John of Paris makes extensive use of James’ *Quodlibet* I, q. 17, in describing what he names “Herod’s error,” that is the pro-papal position that attributes to the supreme pontiff jurisdiction over ecclesiastical and lay goods alike.³⁷ If it is true that John partly misconstrues James’ position, interpreting his papal stewardship as plain lordship, textual evidence shows once again how tightly the problem of the nature of possession and the issue of the powers of the pope were intertwined. Thus it comes as no surprise that, a decade later, John of Mont-Saint-Eloi, in answering the question (*Quodlibet* II, q. 2) *Utrum esset bonum et expediens quod omnium christianorum possessiones essent communes*, after accepting the opinion that Plato in reality never suggested that wives and children should be in common, stresses that the community of goods is indeed adopted in the Church. Ecclesiastical goods are therefore common to the whole clergy, while the pope is only their steward.³⁸ According to John,

³⁶ Kempshall, *The Common Good*, pp. 250–2.

³⁷ K. Ubl and L. Vinx, “Kirche, Arbeit und Eigentum bei Johannes Quidort von Paris O.P. (†1306),” in *Text—Schrift—Codex. Quellenkundliche Arbeiten aus dem Institut für Österreichische Geschichtsforschung*, C. Egger and H. Weigl, eds. (Wien-München 2000), pp. 304–44, esp. pp. 327–9; cf. Johannes Quidort, *De regia potestate et papali, proemium*, Textkritische Edition mit deutscher Übersetzung, ed. F. Bleienstein (Stuttgart 1969), pp. 70–1.

³⁸ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, BAV, Vat. lat. 1086, f. 217rb–vb; esp. f. 217va: “Nec credo Platonem sic intelligere ut Aristoteles sibi imponit, quod uxores essent communes, quia periret cura filiorum et, cum essent vetule, nullus curaret de eis et sequeretur discordia inter omnes ut patet . . . Dicendum quod potest intellegi quantum ad ius et proprietatem, ita quod omnes haberent et sic non est bonum, quia talis modus pareret negligentiam, et confusionem et inordinationem, quia ita pertinet ad unum sicut ad alium, ideo aliqua policia numquam talis fuit. Item modus apostolorum fuit optimus et tamen non fuit talis . . . Sic aliter dicendum de bonis ecclesiasticis et laycorum: nam bona ecclesiastica sunt omnia communia clericis, papa tamen principaliter et alii ex consequenti habent dispensare et non sunt proprietarii.”

since the pope is only the steward and not the lord of ecclesiastical goods, he is not allowed to dispose of these goods as he pleases, but only for the good of the Church.³⁹ The concept of stewardship, as opposed to lordship, although extended to the goods of the universal Church so that other ecclesiastical stewards depend on the pope, puts some limits on his plenitude of power. John would also advocate a similar solution for the goods of Christian laymen, if charity were strong enough. Unfortunately, this is not the case.⁴⁰

*Secular Clergy versus Mendicant Friars:
Papal Power and Church Structure*

It is rather well known—and Elsa Marmursztejn points it out clearly in this volume—that another issue offering many opportunities for debates with great relevance for political theory is the relationship between the mendicant orders and the secular clergy. Using quodlibetal questions, Gerard of Abbeville had already (ca. 1268–69) voiced his criticism of the very idea of a religious life founded on mendicancy.⁴¹ Mendicant friars, such as the Franciscan John Pecham, supported the opposite view in their own *quodlibeta*.⁴²

³⁹ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, *ibid.*: “expedit tamen quod papa dispenset . . . et quod non sit proprietarius . . . et hoc expedit bono communi, quia tunc magis potest contemplare diuina; item magis saluatur unitas et permanencia bonorum ecclesie.”

⁴⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, *ibid.*, f. 217va–b: “Sed de possessionibus omnium Christianorum dicendum quod si supponeretur quod quilibet magis attentus esset ad bonum commune ex caritate dei et proximi, haberent sicut primi conuersi et aliqui essent dispensatores, melius esset propter rationes dictas; nam stante suppositione esset maior amicitia inter homines et esset modus qui fuisset in statu innocentie . . . Sed . . . quod maior pars hominum est sine caritate et quod stultorum est infinitus numerus, dico quod non est bonum, quia bonum commune periret quia nullus vellet laborare nec sollicitus esse in artibus necessariis, mercantiis et aliis necessariis; nam postquam quilibet uideret quod de lucro [et labore] tantum haberet non laborans quam laborans, nollet laborare.”

⁴¹ A. Teetaert, “Quatre questions inédites de Gérard d’Abbeville pour la défense de la supériorité du clergé séculier,” *Archivio italiano per la storia della pietà* 1 (1951), pp. 83–178, in particular pp. 128–63 (more precisely according to BAV, Vat. lat. 1015), Gerard of Abbeville, *Quodl.* V, qq. 5–6: *Utrum communium ecclesie facultatum dispensatio in prelati diminuat de excellencia perfectionis; Utrum habere et administrare communes ecclesie facultates expedit prelati ad sui status perfectionem et officii administrationem; Quodl.* XVI, qq. 1–2, pp. 168–78: *Utrum Christus docuerit ad apicem summe perfectionis apostolos et prelatos nichil omnino habere in proprio et in communi; Utrum prelati recipere potuerunt possessionem sine diminutione perfectionis.*

⁴² Cf. John Pecham, *Quodl.* IV, q. 48, *Utrum non habentes aliquid in proprio vel com-*

In the heyday of quodlibetal disputations, that is in the years of Henry of Ghent and Godfrey of Fontaines, the mendicant/secular struggle was fought primarily along two fronts. First, the hotly debated issue of the mendicant right to hear confessions, stimulated by Martin IV's bull *Ad fructus uberes*, was tightly linked to the problem of papal power within the Church with particular regard to the constitution of the Church.⁴³ Henry of Ghent championed a position according to which the basic rights of parish priests and bishops should be defended by papal intervention, not diminished by the pope's privileges. The question whether *Ad fructus uberes* could be interpreted in the sense that a *fidelis* was no longer obliged to confess his sins to his parish priest at least once a year, as established in the Fourth Lateran Council, soon evolved into a controversy over the nature and limits of papal power in the Church. Henry's quodlibetal writings stand out as the most important contribution to this long-lasting dispute.⁴⁴ Following Congar's ground-breaking studies, we can view it as a clash between two different ecclesiologies.⁴⁵ The mendicant friars saw the pope as the direct source of every (not sacramental)

muni sint aliis perfectiores, in *Quodlibeta quatuor, Quodlibeta I-III*, ed. G.J. Etzkorn, *Quodlibet IV (Romanum)*, ed. F.-M. Delorme, revisit G.J. Etzkorn (Grottaferrata 1989), pp. 280–6 (1277–79).

⁴³ The ecclesiological implications of this debate had already emerged clearly, however, before *Ad fructus uberes*, e.g. in Pecham's so called *Quodlibet romanum* (1277–79); cf. John Pecham, *Quodl.*, IV, q. 47, *Utrum liceat alicui, sine licentia proprii sacerdotis vel ipso invito, audire confessiones subditorum suorum de licentia superioris praelati vel ex privilegio*, ed. cit., pp. 274–80, in particular pp. 275–6: "Primum est quod tale privilegium potest concedi a Sede Apostolica, ut de licentia superiorum praelatorum invitatis sacerdotibus possint audire confessiones alienorum parochianorum... Primum patet per effectum et per Sedem Apostolicam est determinatum, quae ius habet determinandi quia per ipsam facta est distinctio ecclesiarum, XII, quæst. 1, Nulli episcoporum, unde hereticum est aliud dicere vel sentire."

⁴⁴ Cf. e.g. his *Quodlibet X* (1286/87): Henry of Ghent, *Quodl. X*, qq. 1–2, ed. R. Macken (Henrici de Gandavo Opera Omnia, 14) (Leuven-Leiden 1981), pp. 4–38: *Utrum error sit dicere quod vere poenitens et confessus, rite absolutus ab eo qui potest eum absolvere de gratia et privilegio speciali, teneatur eadem peccata iterato confiteri de iure communi*; pp. 39–55: *Utrum ex commissione generali qua conceditur aliquibus ex privilegio et de gratia posse audire confessiones et absolvere a peccatis simpliciter, concedatur potestas absolvendi a maioribus criminibus reservatis episcopis*; q. 31 of his *Quodlibet XII* was reworked into his *Tractatus de facto praelatorum et fratrum*. On this important document see L. Hödl, "Theologiegeschichtliche Einführung" to Henricus de Gandavo, *Tractatus super facto praelatorum et fratrum (Quodlibet XII, quaestio 31)*, eds. L. Hödl and M. Haverals (Henrici de Gandavo Opera Omnia, 17) (Leuven 1989), pp. VII–CXVII.

⁴⁵ Y.M.-J. Congar, "Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e et le début du XIV^e," *AHDLM* 36 (1961), pp. 35–151.

power in the Church; as supreme judge he is able to change the ecclesiastical constitution as he pleases, according to what he considers best for the Church. His plenitude of powers has no limits in this regard. The secular clergy advocated an interpretation of the papal plenitude of power as the supreme guarantee of the Church constitution. The pope cannot grant a privilege that has detrimental consequences for the whole Church. Papal bulls should therefore be interpreted in a way that safeguards the rights of the parish clergy, lest the constitution of the Church be completely upset. If the pope insists on an interpretation that implies the subversion of the ecclesiastical order, in his *Tractatus* (1288) Henry envisages the possibility of resistance to the pope, and even his deposition, although not in explicit terms.⁴⁶

Godfrey was also asked to take sides on several occasions, most notably in 1294/95 when he was confronted with the question (*Quodlibet* X, q. 17) *Utrum religiosus sine licentia sui superioris proprii, puta abbatis, possit impetrare litteras a praelato altiori, puta a papa, auctoritate quarum possit confiteri alteri quam suo abbati*. In his answer, the Flemish theologian overtly denies that the pope can treat bishops as if they were his “bailiffs”; he can remove individuals from their positions or diminish their rights, but only for a reasonable cause. Should a person obtain a privilege from the pope that damages the common good of the Church, he ought not to make use of it.⁴⁷ Matthew Kempshall is probably right in suggesting that Godfrey is more moderate than Henry.⁴⁸ Interestingly enough, however, the Dominican theologian Bernard of Auvergne nevertheless felt the need to attack Godfrey exactly on the issue of the comparison between bishops and bailiffs: this critique was not expressed in a quodlibetal question, but its existence bears witness to the importance that was attributed to *quodlibeta* in this field as well. In Bernard’s opinion, Godfrey is wrong in his attempt to put limits on the papal plenitude of power. Bernard’s

⁴⁶ Cf. Kempshall, *The Common Good*, p. 187, based on the *Tractatus super facto praelatorum et fratrum* III, 10a ratio, ed. cit., pp. 253–9, esp. p. 259: “supplicandum esset ei humiliter in principio ab universis episcopis et praelatis curam habentibus, quod dictum privilegium revocaret, et esset ei exponendum a viris litteratis qualia inconvenientia ex hoc sequerentur, quod, si forte facere nolle, timendum est, ne satis cito schisma maximum et inoboedientia subiectorum ad superiores suos oriretur, nisi aliter ecclesiae Dei cito provideretur.”

⁴⁷ Godfrey of Fontaines, *Quodl.* X, q. 10, ed. J. Hoffmans (Louvain 1924), pp. 391–4.

⁴⁸ Kempshall, *The Common Good*, pp. 244–5.

critique reveals how divergent the ecclesiologies were and how carefully many mendicant theologians opposed any limitation on the pope's right to intervene in the problems of the Church constitution,⁴⁹ being reluctant to admit any kind of right to resist his decisions.

Although this trend in the interpretation of papal power was predominant among the mendicant friars, dissent could also arise among them. This is the case with Peter John Olivi. Olivi shares the mendicant ecclesiology in its key features and is ready to defend the privileges granted to the friars, as a question from book four of his Commentary on the *Sentences* clearly shows.⁵⁰ Nevertheless, in his *Quodlibet* I, q. 18 (its dating still oscillates between the beginning and the end of the 1280s),⁵¹ when faced with the question *An papa habeat universalissimam potestatem*, Olivi does not hesitate to put limits on papal power, not because the pope cannot abolish the rights of the clergy, but rather because the pope cannot give a dispensation from religious vows, according to Olivi. Of course this aims at defending the Franciscan vow of poverty. In general, however, Olivi thinks that the pope should respect the *statuta patrum*, the Church tradition, and aim at the common good of the Church; otherwise he exceeds the limits of his office. Moreover, Olivi adds that the pope cannot be considered, as someone claims, "Lord of all temporal goods of this world." According to the Franciscan master, there are many reasons to reject this claim. First, if the pope derived such a lordship over the world from Christ, this would mean that Christ could not have given Peter the counsel of highest poverty, as he actually did. Second, this would contradict the practice of donating goods to individual dioceses on some condition, since bishops would in reality already be lords of everything existing within their jurisdiction.⁵² Following

⁴⁹ C. Zuckerman, "Some Texts of Bernard of Auvergne on Papal Power," *RTAM* 49 (1982), pp. 174–204, esp. pp. 190–4.

⁵⁰ Cf. R. Lambertini, "La difesa dell'ordine francescano di fronte alle critiche dei Secolari in Olivi," in *Pierre de Jean Olivi (1248–1298). Pensée scolastique, dissidence spirituelle et société*, A. Boureau and S. Piron, eds. (Paris 1999), pp. 193–205.

⁵¹ See M. Bartoli, "Introduzione," in *Petri Iohannis Olivi Quaestiones de romano pontifice*, ed. M. Bartoli (Grottaferrata [Rome] 2002), pp. 94–6. Piron opts for the end of the decade in his chapter above.

⁵² Peter John Olivi, *Quodl.* I, q. 18, *An papa habeat universalissimam potestatem*, in *Petri Iohannis Olivi Quaestiones de romano pontifice*, ed. M. Bartoli (Grottaferrata [Rome] 2002), pp. 171–9, esp. p. 175: "Si enim papa ex absoluto iure evangelico et absoluta Christi commissione esset temporalis rex et dominus mundi, tunc Petro apostolorum principi non commisisset statum et consilium altissime paupertatis, sed potius summarum divitiarum et terrene temporalitatis"; p. 176: "Cuius contrarium non

this pattern, Olivi is also able to counter an argument referring to the Donation of Constantine: the very fact that the Emperor Constantine donated something to the pope implies that the pontiff was not, from the beginning, as Christ's vicar, lord of the universe. The Franciscan friar remarks that the actual extension and time of the Donation of Constantine need not be discussed in this context. It is sufficient to ascertain that the pope acquired, at a certain point of time, temporal powers that he had not possessed before.⁵³

Naturally, the principle of resistance to an unjust ruler whose actions menace the good of the community could be applied, and often with less caution, to secular powers as well.⁵⁴ In fact, in the same years some quodlibetal responses defended the principle that it is legitimate to resist a secular ruler who jeopardizes the common good. Godfrey of Fontaines, for example, supports this opinion in *Utrum princeps dicens se habere causam pro utilitate reipublicae nec tamen huiusmodi necessitas est de se notoria possit imponere aliquam taxationem et subiecti teneantur solvere* (*Quodlibet* XI, q. 17, 1295/96), and grants the subjects the right to resist, until a council of prudent men (and not only the king's personal counsellors) has discussed the matter.⁵⁵

Resistance against *Ad fructus uberes* was notoriously crushed in 1290 by Cardinal Benedict Gaetani (the future Boniface VIII), acting as papal legate in Paris. It is interesting to note, as one reads in a recently published contemporary account of the events, that in *quodlibetal* disputations the masters refused to answer questions linked to the controversy.⁵⁶ As is well known, Henry of Ghent himself was

solum ostendit contraria consuetudo, immo et Hugo, libro II *De sacramentis*, parte II, ca. VII, dicit de terrenis bonis; quedam ecclesie Christi devotione fidelium concessa sunt ad possidendum; salvo tamen iure terrene potestatis."

⁵³ Peter John Olivi, *Quodl.* I, q. 18, ed. cit., pp. 178–9: "... dicendum quod quantumcumque terrenam potestatem Constantinus pape dedit ex ipsamet donatione constat quod potestas illa non sibi prius inerat ex sola Christi commissione seu ex sola potestate spirituali. Quod autem et quantum dedit non est nobis nunc cure, quia potestas temporalis sicut temporaliter est acquisibilis sic et amissibilis et hoc multiplicibus modis." For late medieval discussions about the Donation of Constantine see recently M. Conetti, *L'origine del potere legittimo. Spunti polemici contro la donazione di Costantino da Graziano a Lorenzo Valla* (Parma 2004).

⁵⁴ Kempshall, *The Common Good*, p. 250.

⁵⁵ Cf. above, n. 27.

⁵⁶ H. Anzulewicz, "Zur Kontroverse um das Mendikantenprivileg. Ein ältester Bericht über das Pariser Nationalkonzil von 1290," *AHDLM* 60 (1993), pp. 283–91, p. 291: "Disputatione de quolibet facta quaestiones fuerunt iterum motae, quas minime receperunt." Hödl, "Theologiegeschichtliche Einführung," p. LXXXIII, recalls a similar situation when the mendicant masters refused to answer.

prohibited from teaching, although it is not known to what extent this prohibition was put into effect.

The second quodlibetal front in the controversy between secular and mendicant theologians was the issue of the concept of perfection. The mendicant orders, and in particular the Franciscans, claimed not only to lead a life of religious perfection, but also to represent the highest degree of perfection because of their choice of absolute poverty. Nicholas III, with his bull *Exiit qui seminat* (1279), substantially endorsed the Franciscan position, stating that the Franciscans imitated the life of the apostolic community. He also tried to put an end to discussion, prohibiting commentaries on his decree. A manuscript of Godfrey of Fontaines' *Quodlibeta* reports that for this reason the bull was nicknamed "Noli me tangere" in the milieu of the Parisian masters.⁵⁷ Actually, masters were still confronted with questions regarding the meaning of religious perfection; in particular they were asked to compare the perfection of friars and prelates. Already in his *Quodlibet* II, q. 14⁵⁸ (1277, that is, before *Exiit qui seminat*), Henry had defended the perfection of the prelates, stating that one should distinguish between two types of perfection, acquisitive perfection and exercitative perfection, as Matthew Kempshall renders the distinction.⁵⁹ His answer therefore tried to show that higher and lower prelates (obviously seen as a status, not as individuals) exert perfection, while friars make their religious choice in order to acquire perfection. How such a distinction could be used to counter Franciscan claims can be seen in his *Quodlibet* V, q. 30 (1280–81), where Henry answers the question *Utrum liceat dimittere divitias sub proposito mendicandi in saeculo*. Arguing that it is licit for a *persona privata*, but not for a *persona publica*, such as a church prelate, Henry implies that absolute poverty and mendicancy have more value for the individual than for the religious community, and therefore for the common good.⁶⁰

Godfrey of Fontaines follows in Henry's footsteps, especially in *Quodlibet* V, q. 1 (1288), *Utrum status religiosorum sit perfectior quam status praelatorum et specialiter sacerdotum parochialium*, and in *Quodlibet* VIII,

⁵⁷ Cf. the outstanding analysis in A. Tabarroni, *Paupertas Christi et apostolorum. L'ideale francescano in discussione (1322–1324)* (Roma 1990). For Godfrey of Fontaines' anecdote, cf. his *Quodlibet* XIII, q. 8, ed. J. Hoffmans (Louvain 1935), p. 249, n. 16.

⁵⁸ Henry of Ghent, *Quodl.* II, q. 14, ed. R. Wielockx (Leuven 1983), pp. 82–95.

⁵⁹ Kempshall, *The Common Good*, pp. 181–2.

⁶⁰ Henry of Ghent, *Quodl.* V, q. 30 (ed. Paris 1518), ff. 208v–209r.

q. 11 (1292/93), *Utrum perfectio vitae humanae exigat relinquere bona exteriora et quantum ad actum sive possessionem et quantum ad affectum sive amorem*.⁶¹ Moreover, he criticises the Franciscan interpretation of perfection and develops, on the contrary, the idea of a natural right to own the necessities of life, interpreting it as a right that cannot be renounced.⁶² This is particularly clear in *Quodlibet* XI, q. 8 (1295/96),⁶³ *Utrum pura privatio possit aliquem constituere in statu perfectionis*,⁶⁴ and in *Quodlibet* XII, qq. 19–20 (1296/97), *Utrum status religiosorum nihil habentium in communi sit perfectior statu aliquid habentium* and *Utrum nunc in Ecclesia est aliquis status perfectior statu apostolorum*,⁶⁵ which not by chance were in turn attacked by the anonymous Franciscan author of *De perfectione*⁶⁶ and by William of Alnwick.⁶⁷ As Virpi Mäkinen has rightly pointed out, quodlibetal discussions on poverty as religious perfection became one area where authors such as Godfrey could lay the foundations of a language of basic rights pertaining by nature to each individual. Such rights are linked so tightly to the human condition that it is neither possible nor licit to alienate them. Arguing

⁶¹ Godfrey of Fontaines, *Quodl.* V, q. 16, ed. cit., p. 76: "Status autem religionis dicitur perfectionis acquirendae, quia bene sustinet imperfectum qui in illo perfectionem possit acquirere; et non dicitur status perfectionis exercendae, tum quia, ut dictum est, perfectum non requirit, tum quia sua perfectio, cum ab aliquo acquisita fuerit, non sic eius exercitium ad perficiendum alium ordinatur, sicut perfectio praelati." Godfrey of Fontaines, *Quodl.* VIII, q. 11, ed. cit., pp. 102–25, esp. p. 105: "Immo etiam propter hoc quod unusquisque tenetur iure naturae vitam suam sustentare, quod non contingit nisi de bonis exterioribus, ideo etiam iure naturae quilibet habet dominium et quoddam ius in bonis communibus exterioribus huius mundi, cui iuri etiam non potest renunciare licite . . . In tali casu ergo habens usum alicuius sibi necessarij, habet etiam dominium illius et aequaliter unus sicut alius, quia quilibet habet ius utendi illo ut re sua."

⁶² V. Mäkinen, "Godfrey of Fontaines' Criticism Concerning Franciscan Poverty and the Birth of Individual Rights," *Picenum Seraphicum* 19 (2000) pp. 69–85; eadem, *Property Rights in the Late Medieval Discussion on Franciscan Poverty* (Leuven 2001), esp. pp. 124–39.

⁶³ According to Kempshall, *The Common Good*, p. 247, most probably after March 1296.

⁶⁴ Godfrey of Fontaines, *Quodl.* XI, q. 8, ed. J. Hoffmans (Louvain 1932), pp. 40–8.

⁶⁵ Godfrey of Fontaines, *Quodl.* XII, qq. 19–20, ed. J. Hoffmans (Louvain 1932), pp. 139–65.

⁶⁶ The textual tradition of this work does not allow us to establish whether it was originally a quodlibetal question; I am inclined to think that it was rather a *quaestio disputata*; see R. Lambertini, *La Povertà pensata* (Modena 2000), pp. 163–86.

⁶⁷ Alnwick's reaction was included in one of his Bolognese disputed questions; see R. Lambertini, "Intentions in Fourteenth Century Bologna: Jandun, Alnwick and the Mysterious 'G'," in *Medieval Analyses in Language and Cognition, Acts of the Symposium 'The Copenhagen School of Medieval Philosophy', January 10–13, 1996*, S. Ebbesen and R.L. Friedman, eds. (Copenhagen 1999), pp. 431–51, p. 435, n. 10.

against the theoretical foundations of the Franciscan claim to absolute perfection, Godfrey therefore made a substantial contribution to the rise of subjective, natural rights.⁶⁸

From the point of view of political theory, the most important issue at stake in the discussion about the right to hear confessions is the origin of the jurisdictional powers of the bishops and parish priests. In his *Quodlibet*, q. 80 (disputed before 1291), *Utrum auctoritas ligandi et solvendi derivetur in inferioribus praelatis a papa ita quod non habeant auctoritatem quam non habeant a papa*, the canon regular Servais of Mont-Saint-Eloi claims that some of the prelates' rights derive directly from Christ, to the effect that even the pope cannot encroach on them.⁶⁹ The secular master Peter of Auvergne's *Quodlibet* I, q. 17 (ca. 1296), *Utrum praelati minores habeant iurisdictionem ordinariam in subditis*, defends the rights of the parish clergy, countering the arguments put forward by those who wanted to avoid certain consequences that seemed to imply some disadvantage for their state, most probably the mendicant friars.⁷⁰ Some years later (in 1304, since he refers to *Inter cunctas*—February 1304—and speaks of Benedict XI as alive), a similar problem surfaces in Thomas of Bailly's answer to the question *Utrum expediat uniuersali ecclesie quod subditi ita eximantur a suis parochialibus curatis quod non teneantur eis confiteri illa peccata que sunt confessis fratribus priuilegiatis*, shortly after Benedict XI's *Inter cunctas* had revoked the regulations issued by his predecessor Boniface VIII in *Super cathedram*. The secular master appeals to Bonaventure's authority or to Francis of Assisi's *Testament*, in order to remind the friars (in all probability especially the Franciscans) of their duty to respect bishops and the secular clergy in general.⁷¹ Moreover, he stresses that the powers exercised by parish priests were given to them directly by Christ,

⁶⁸ Mäkinen, *Property Rights*, pp. 193–6. For the whole issue of natural rights in medieval political thought see also B. Tierney, *The Idea of Natural Rights* (Atlanta 1997); according to Tierney, Henry's discussion concerning the right to flee of a man sentenced to death also reveals a "natural rights" approach to such problems: B. Tierney, "Natural Rights in the Thirteenth Century: a *Quaestio* of Henry of Ghent," *Speculum* 67 (1992), pp. 58–68.

⁶⁹ Servais of Mont-Saint-Eloi's *Quodlibet*, q. 80, is published in B. Guyot, "Textes inédites relatifs à l'étude précédente," *AHDLM* 36 (1961), pp. 159–61, see esp. p. 160: "Similiter dico quod plenarius Christi vicarius non habet potestatem auferendi ministris ecclesiae potestatem quam eis contulit."

⁷⁰ Peter of Auvergne's *Quodlibet* I, q. 17, is published in Guyot, "Textes inédites," pp. 153–8.

⁷¹ Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux cit., pp. 324–35.

when He sent out the 72 disciples, in the same way that He conferred episcopal powers on the apostles. The supreme authority of the pope has been ordained for the preservation of Church unity, but he is not the source, in its proper sense, of their powers. It is legitimate for him to modify the extension of some jurisdictional powers, if this befits the good of the Church, but he cannot abolish them. Faced with the fact that with *Inter cunctas* Pope Benedict XI seems to exempt the subjects from the jurisdiction of their secular prelates completely in favour of privileged mendicant friars, Thomas admits that the pope can do it *de facto* because he has no superior. He refuses, however, to give his solution to the question whether *de iure* the pope is allowed to do it.⁷² Apparently, the masters were able not only to refuse answering a question at all, but also, while responding, to avoid expressing their opinion on side-issues that were considered dangerous for their own careers and positions.

Other quodlibetal questions debated by non-mendicant masters in the following years stress the point that Christ invested the twelve apostles, and not only Peter, with episcopal powers: an example is provided by the canon regular Gerard of Saint-Victor.⁷³ Also, the heated controversy between the secular theologian John of Pouilly and the mendicant friars, and in particular Peter de la Palu, began in quodlibetal disputations. In his *Quodlibet* V, q. 14 (*Si habens privilegium quod possit predicare in tota una provincia vel ubique sit in parrochia unius curati et velit ibi predicare et similiter curatus et sit contentio inter eos de predicando prius et posterius, utrum habens privilegium debeat preferri prelado et predicare ante illum*), John defended with force the opinion that Christ had instituted parish priests directly through the mission of the 72

⁷² Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux cit., p. 329: "Sed utrum dominus papa pro libito suae voluntatis possit praelatos maiores et minores universaliter excludere ab officiis curae suae? Constat quod potest potentia facti, pro quanto non potest ad superiorem appellari. Sed utrum de potentia iuris possit, nihil determino."

⁷³ Gerard of Saint-Victor, *Quodl.* II, q. 8, *Utrum potestas ordinaria sit a Christo vel a papa*, BAV, Vat. lat. 1086, f. 224va: "Dicendum quod potestas est duplex, scilicet ordinis et iurisdictionis; tunc dico quod illud quod homo consequitur per istas est a Christo. Credo tamen quod sit una potestas habens diuersa officia, habendo tantum ordinem sacerdotalem potest exire in actum, set quantum ad iurisdictionem requiritur aliud. Dicendum tamen quod utraque potestas est duplex, quia fuit data Petro et aliis, ut patet super illud 'Tu es Petrus' per glosam expressam, licet videatur dari uni quia per hoc notabat unitatem ecclesie . . . Sed quantum ad limitationem, restringendo habet papa et hoc expediens fuit propter bonum commune et in casu rationabili."

disciples.⁷⁴ In q. 4, *Utrum episcopus possit committere audientiam confessionum sine licentia curatorum*, of his only *Quodlibet* (1314), Peter attacks John of Pouilly both on the origin of ecclesiastical jurisdiction and on his interpretation of the duty to confess to parish priests.⁷⁵ It would be superfluous to summarise here the events that eventually led to the condemnation of John of Pouilly by John XXII with *Vas electionis*—a condemnation that concerned only John of Pouilly's doctrine concerning confession and his denial that the pope can interfere with the secular clergy's right to hear confessions.⁷⁶ Interestingly enough, at a time when the first treatises *de potestate papae* had already appeared, the debate over John of Pouilly's theses, which had begun in quodlibetal questions, was continued in almost systematic treatments of papal powers. The treatise *De causa immediata ecclesiastice potestatis*, attributed to William of Peter Godin but also to Peter de la Palu, deals extensively with the problem of ecclesiastical jurisdiction and defends the idea that every jurisdiction derives directly from the pope.⁷⁷ John of Pouilly's ideas are also the target of another treatise *de potestate pape*, penned by the Dominican master Hervaeus Natalis.⁷⁸

Papal Abdication and Its Consequences

We should not be surprised that a political debate could find its first expression in *quodlibeta* and then continue in political treatises. This had already happened some years before the "Pouilly affair," almost

⁷⁴ John of Pouilly, BAV, Vat. lat. 1017, ff. 223rb–227rb.

⁷⁵ Miethke, *De potestate papae*, p. 140; R. Zeyen, *Die theologische Disputation des Johannes de Polliaco zur kirchlichen Verfassung* (Frankfurt am Main 1976); J. Dunbabin, *A Hound of God. Pierre de la Palu and the Fourteenth-Century Church* (Oxford 1991), pp. 56–68.

⁷⁶ J. Koch, "Der Prozess gegen den Magister Johannes de Polliaco und seine Vorgeschichte (1312–1321)," *RTAM* 5 (1933), pp. 391–422, now in idem, *Kleine Schriften* II (Rome 1973), pp. 387–422.

⁷⁷ Miethke, *De potestate papae*, pp. 146–150; edition (with attempt to attribute the treatise to William of Peter Godin) in W.D. McCready, *The Theory of Papal Monarchy in the Fourteenth Century* (Toronto 1982); Dunbabin, *Hound of God*, pp. 91–4. L. Hödl, "Die Glosse des Johannes Monachus zur Konstitution 'Super cathedram' Bonifaz' VIII (vom 18.02.1300) und deren Kritik durch Petrus de Palude OP," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 87 (2001), pp. 269–305, attempts to attribute to Peter a new text concerning the origins of power in the Church.

⁷⁸ Miethke, *De potestate papae*, p. 149; Hervaeus' *De potestate ecclesiastica et papali* was printed several times; the Paris 1647 edition was reprinted in 1966.

immediately after Celestine V's resignation. As is very well known, Celestine's unprecedented and dramatic decision became politically very relevant when Boniface VIII's adversaries (first and foremost the Colonna cardinals) began to question the legitimacy of his authority precisely on the grounds that papal resignation is impossible.⁷⁹ The first reactions of Parisian university masters are embedded in quodlibetal questions;⁸⁰ in his *Quodlibet* XII, q. 17, answering the more general question *Utrum praelati statui et dignitati libere renunciare possint*, Godfrey of Fontaines denies that the circumstance of having no superior can affect the principle that a prelate who thinks himself unfit for his office is free to resign. Moreover, Godfrey takes for granted that the pope can be deposed by a council. But resignation, unlike deposition, is a voluntary act, and for this reason, according to the Flemish master, the pope does not need the consent of a council to resign; it is sufficient for him to explain his action to the college of cardinals. However, the pope can resign against the will of the cardinals as well. Godfrey's answer legitimates Celestine's abdication and, consequently, Boniface VIII's election. In doing so, Godfrey treats the pope as the supreme prelate of the Church, who is, nevertheless, subject to the same rules as other prelates: when the good of the community is at stake, resignation and even deposition are possible.⁸¹ Along similar lines, around 1296, Peter of Auvergne answered a question (*Quodlibet* I, q. 15) that, unlike in Godfrey's case,

⁷⁹ J.R. Eastman, *Papal Abdication in Later Mediaeval Thought* (Lewinston-Queenston-Lampeter 1990); cf. also Miethke, *De potestate papae*, pp. 63–71.

⁸⁰ The literary form (the incipit reads “Circa statum pape duo queruntur”) of the anonymous questions about papal abdication preserved in Paris, BNF, lat. 4246, and studied by Martin Bertram could give rise to the suspicion that they derive from a quodlibetal disputation, but this is far from clear; M. Bertram, “Zwei Handschriftliche Quaestiones; Die Abdankung Papst Cölestin V. (1294) und die Kanonisten,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 66 (1970), pp. 1–101; pp. 97–8. Eastman does not seem to have taken these texts into consideration.

⁸¹ Godfrey of Fontaines, *Quodl.* XII, q. 17, ed. Hoffmans, pp. 96–9, esp. p. 98, where both possibilities are envisaged: “sed ad hoc intelligendum quod multo maiori difficultate et diligentia et attentione est procedendum in causa depositionis quam in causa cessionis quia in depositione contingit quod ab aliis accusatus, eo invito deponitur, et quia aliquis nolens iniuriam patitur, causa depositionis in qua potest alicui inferri gravis iniuria diligentissime est examinanda ne deposito iniuria inferatur. Sed quia cessio est simpliciter voluntaria, ideo non sic a concedentibus licentiam cedendi vel consensum cedendi potest iniuria inferri quia nullus patitur iniustum volens”; cf. commentary in Eastman, *Papal Abdication*, pp. 54–5; Kempshall, *The Common Good*, pp. 258–60.

addressed the problem of papal resignation directly: *Utrum summus pontifex possit cedere vel renunciare officio suo in aliquo casu*.⁸² Peter's response is affirmative; he also stresses—as Eastman has rightly pointed out—that a pope who is unable to fulfil his duties should abdicate. Unlike Godfrey, Peter explicitly mentions Celestine's abdication and, more importantly, avoids making reference to papal deposition.⁸³ This difference between the two masters would become very important in the treatises that continued the debate over papal abdication. Giles of Rome's treatise *De renuntiatione papae* clearly distinguishes between deposition and resignation, allowing only for abdication, while John of Paris, who was conversant with both Godfrey's and Giles' texts, argues in favour of the possibility of both resignation and deposition.⁸⁴ Papal resignation would still play an important role in later *de potestate papae* treatises, written several years after Boniface VIII's death, such as in Alexander of Sant'Elpidio's *De ecclesiastica potestate*.⁸⁵ Apparently, the debate over Celestine's abdication made an important contribution to the definition of the papal office, so that later works had to refer to arguments and positions that were first put forth in quodlibetal disputations.

The interplay between quodlibetal literature and *de potestate papae* treatises can be seen in Augustine of Ancona, the Augustinian Hermit who is very well known for his *Summa de ecclesiastica potestate*. Besides

⁸² Edition and commentary in Eastman, *Papal Abdication*, pp. 58–60, 137–41.

⁸³ Eastman, *Papal Abdication*, p. 140: “ubi summus pontifex non posset gerere curam ecclesie propter aliquid predictorum contradictum (? Eastman's reading does not seem to make sense here), quod deus precipit ipsum cedere. Racionabile enim est deum precipere quidquid secundum rationem evidenter necessarium (Eastman: *necessaria*) ad salutem et prohibere contrarium. Hoc eciam ordinatum aut suppositum quod possibile (? Eastman's reading does not seem to make sense here), est per dominum Celestinum, quod scilicet summus pontifex cedere possit in casu et ideo hoc simpliciter est tenendum.” It goes without saying that Eastman's transcription, based on MS Paris, BNF, lat. 15841, f. 7va–b needs improvement through a collation of the whole tradition.

⁸⁴ Cf. Eastman, *Papal Abdication*, pp. 70–7.

⁸⁵ Alexander of Sant'Elpidio, *De ecclesiastica potestate*, tr. III. c. 8, in *Bibliotheca Maxima Pontificia* II, ed. T. Roccaberti de Perelada (Rome 1698), pp. 1–40, cf. esp. p. 38: “Cum illa quam papa praeminentiam habet, regere universum populum christianum, non sit ex statuto concilii, nec etiam universalis ecclesiae totius mundi, ideo totus mundus illam immutare non posset, nec etiam papam a papatu deponere.” Miethke, *De potestate papae*, pp. 105–6; see also my “Alessandro di Sant'Elpidio teorico del potere papale: un primato ‘romano’,” in *Santità e società civile nel medioevo. Esperienze storiche della santità agostiniana*, ed. Biblioteca Egidiana (Tolentino 2005), pp. 69–76.

this famous and popular treatise, this master intervened in the debates of his times with shorter texts. Now, scholars of the last century, such as Scholz and Mulder,⁸⁶ ascertained that Augustine of Ancona is the author of a quodlibetal question dealing with the competence of the college of cardinals during a vacancy of the apostolic see and also of a short treatise dealing with the same problem. A close comparison shows in fact that this quodlibetal question contains many passages that are almost identical to passages not only in Augustine's *De potestate collegii mortuo papa*, but also in his *De potestate praelatorum et laicorum*.⁸⁷ Glorieux and, most recently, Miethke think that the theologian from Ancona reworked his own quodlibetal determination into a treatise.⁸⁸ This explanation remains the most plausible, even though Mulder, the discoverer of the work in its quodlibetal form, was rather inclined to believe the opposite. In fact, Augustine's quodlibetal question is defined as such in its *intitulatio* and retains several expressions reminiscent of an actual *disputatio*: not only the use of "arguebatur," but also the repeated mention of a *quaerens* who posed the question.⁸⁹ The structure of the text itself, however, is rather peculiar. Asked *Utrum collegium cardinalium potest facere quidquid potest papa*, Augustine begins by distinguishing the *potestas ordinis* from the *potestas iurisdictionis*, and then continues by saying that the question can be taken in two different senses. The *quaerens* could have meant whether the power of the cardinals derives immediately from Christ, as is the case for the pope, or mediately through the pope. This interpretation of the question posed by the audience recalls the debate between John of Pouilly and Peter de la Palu, and this is not very surprising, if Glorieux and Miethke are right in dating this text to the years of the vacancy after Clement V's death in 1314.⁹⁰ Augustine

⁸⁶ The *quodlibet* is edited in W. Mulder, "De potestate collegii mortuo papa des Augustinus Triumphus," *Studia catholica* 5 (1928/29), pp. 40–60, esp. pp. 46–51. On Augustine of Ancona, see Miethke, *De potestate papae*, pp. 170–7.

⁸⁷ Edited in R. Scholz, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII.* (Stuttgart 1903; reprint Amsterdam 1962), respectively pp. 501–8, pp. 486–501.

⁸⁸ Glorieux II, p. 63; Miethke, *De potestate papae*, p. 171.

⁸⁹ Mulder, "De potestate," p. 46: "Questio ultima quolibet (sic!) magistri augustini disputatum parisiis de potestate collegii mortuo papa . . . Tercia questio erat . . . arguebatur"; pp. 48–9: "questio proposita . . . Secundum intentionem querentis."

⁹⁰ Glorieux II, p. 63; Miethke, *De potestate papae*, p. 171. The connection to the debates over the origin of power in the Church is evident, the title notwithstanding, in Augustine's *Tractatus brevis de duplici potestate praelatorum et laicorum*, ed. Scholz cit., p. 492: ". . . si loquamur de potestate iurisdictionis credimus opinionem dicto-

is persuaded that the *quaerens* actually meant to ask something different, that is whether, when the pope is dead, the college of cardinals possesses the same powers as does the supreme pontiff when he is alive. This persuasion notwithstanding, Augustine goes on to discuss the first interpretation of the question, and comes to the conclusion that jurisdiction is attributed to the prelates through the pope. This first part of the *quodlibet* contains many passages in common with Augustine's treatise *De duplici potestate prelatorum et laicorum*, although the latter also deals with the problem of temporal power, which is absent from the *quodlibet*. Only the second part of the quodlibetal question tackles the issue of the competence of the cardinals when there is no pope. This is rather close to Augustine's *De potestate collegii mortuo papa*. In both texts, the Augustinian theologian argues that, after the death of the pope, papal powers continue to exist in the college, but only potentially, to the effect that the college is not entitled to do whatever a pope can do; otherwise, there would be no need to elect a new pope. Unlike the quodlibetal question, the treatise expands much more on this issue, explaining that the college cannot change the existing papal legislation nor assign benefices.⁹¹ The *quodlibet* is much shorter, and refers the reader to a *tractatus de potestate prelatorum*. It was this clue that suggested to Mulder that Augustine of Ancona first wrote the treatises and later the *quodlibet*. Actually, in Glorieux the chronological relationship is reversed, for it seems more likely that an author would first discuss an issue when provoked by his audience, and then rework his answers in a more systematic text. But even if Mulder were right, his opinion would not entail the rather unlikely consequence that Augustine later put together parts of existing treatises using the quodlibetal question as a literary form only. He could have held an actual *quodlibet* and then had recourse

rum magistrorum veritatem non continere, quia talis potestas non est a Christo concessa apostolis, nisi mediante Petro, et per consequens non confertur praelatis ecclesie, nisi mediante papa, personam Petri representante."

⁹¹ Augustine of Ancona, *De potestate collegii mortuo papa*, ed. Scholz cit., p. 506: "Sed an possit collegium sine papa, quidquid potest cum papa, uel an possit collegium mortuo papa, quidquid potest papa uiuens, quod tercio dicebatur esse declarandum, forte est dubium. Quia tunc non esset necessarium, quod collegium papam eligeret, ex quo simpliciter posset facere, mortuo papa, quidquid facere potest papa uiuens uel eo uiuente! Non enim quidquid potest radix cum ramo producto, potest sine ramo"; p. 507: "Mortuo ergo papa non uidetur, quod collegium possit tollere decreta et mandata facta per papam, maxime illa que ligant eos, ut dicebat ratio superior, nec potest beneficia ecclesiastica dispensare . . ."

to other texts of his own to complete the written version. After all, in the case of Peter of Tarentaise, Glorieux showed how a direct *reportatio* of a quodlibetal discussion could differ from the version revised by the author.⁹² At any rate, this case demonstrates not only how close—at least in the years of Augustine of Ancona's activity—quodlibetal questions and political treatises could be, but also that the relationship between oral performance, *reportatio* and written version deserves further investigation.

Origins of Power, Forms of Government

Previous sections dealt with examples of quodlibetal discussions in which, more or less directly, issues emerged that are relevant for the history of medieval political thought. Here I would like to present some cases in which “classical” problems of political theory are directly and explicitly dealt with in quodlibetal questions. For example, at a date which is still under scrutiny,⁹³ Henry of Friemar was asked to determine *Utrum magis expediat rei publice habere regem per electionem quam per successionem*, a question that was more common in commentaries on the *Politics*⁹⁴ than in *quodlibeta*. Henry is persuaded that Aristotle prefers elective to hereditary monarchy and, although he is well aware that Giles of Rome (referred to as *reverendi doctores*) taught the opposite in his *De regimine*, he is ready to contradict the official “doctor” of his order on this point. Giles claimed that experience shows that hereditary monarchy avoids many evils that are typical of elective monarchy. Henry counters that Giles’ arguments

⁹² P. Glorieux, “Le quodlibet de Pierre de Tarantasia,” *RTAM* 9 (1937), pp. 237–80.

⁹³ In volume II of this book, Schabel and Courtenay rightly point to the patent contradiction existing between Stroick’s references to Henry’s sources and the date (1306) contained in the colophon.

⁹⁴ List of questions in Flüeler, *Rezeption und Interpretation* II, pp. 109, 117, 130, 151; Raymond Rigaud also discusses the problem in his *Quodlibet* V, q. 30 (before 1295): *Utrum regnum sit melius per successionem vel per electionem*; cf. F.M. Delorme, “Quodlibets et questions disputées de Raymond Rigaud, maître franciscain de Paris, d’après le ms. 98 de la Bibl. Commun. de Todi,” in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern gewidmet*, A. Lang, J. Lehner, and M. Schmaus, eds. (Münster in Westfalen 1935), pp. 826–84; cf. also Glorieux II, p. 246.

concern accidental features of political life; “per se” the Philosopher is right: election is better than fortuity.⁹⁵

Most probably around 1310, John of Mont-Saint-Eloi also answered a question (*Quodlibet* II, q. 9) that addressed a core issue of political theory directly: *Utrum potestas principum sit primitus a populo*. His answer is interesting from many points of view. First of all, he shows awareness of the debate concerning the unity of prudence and claims that it is the same virtue in subjects and in rulers.⁹⁶ Second, he distinguishes three ways in which a ruler can obtain authority: through force or knowledge, from God, or from people. The first way is rejected as an expression of pride and conceit. Moses and Saul are recalled as examples where power was given directly by God.⁹⁷ John of Mont-Saint-Eloi, however, is more interested in describing why and how a ruler can derive his authority from the people. Peace in a multitude can be safeguarded only by a prince, says John, and therefore the community inclines by nature towards a ruler. Since everyone is by species equal to anyone else in the community, it is necessary that the prince be designated by the consent of the people

⁹⁵ Edition in C. Stroick, *Heinrich von Friemar. Leben, Werk, philosophisch-theologische Stellung in der Scholastik* (Freiburg 1954), pp. 245–6; esp. p. 246: “Quamvis ergo in tali materia difficile vel potius impossibile est rationes necessarias adducere, sed sufficiat in ea probabiliter persuadere, secundum praemissas tamen videtur institutio principis per electionem magis expediens eo quod magis expedit regi rem publicam arte quam sorte et a proponente quam a fortuna ac per hoc subiecti magis ad virtutum opera inducuntur et maiorem inter se amicitiam et reverentiam complectuntur; et ad hos potissime moveor ex eo quod res publica nunquam ita bene gubernata fuit sicut tempore illo quo per viros virtuosos et propter eminentiam virtutum electos Romanum Imperium regebatur.” Unfortunately, I had no access to John of Naples’ *Quodlibet* I, q. 20, which bears the same title as the one discussed by Henry of Friemar.

⁹⁶ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *Utrum potestas principum sit primitus a populo*, BAV, Vat. lat. 1086, ff. 220ra–va; here 220ra: “Ideo cum quis eligitur in regem, non acquirit aliam prudentiam quam prius habuit. Item sicut magister, cum instituitur, illa facultas non est aliud quam sua scientia in ordine ad discipulos quos//220rb//docere debet, ita hic . . .”

⁹⁷ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: “Sed queris: A quo <oritur>? Dicendum quod causa principalis est deus. Romanos: ‘non est potestas nisi a deo’; qui uero habent in potestate superbiam, hoc non est a deo. Si vero queris a quo derivatur sicut a causa proxima oritur ista potestas, dicendum quod sicut prudentia acquiritur uel a deo, uel ab industria hominis . . . Sed unde iste dominatur? Dicendum quod potest esse diuersis causis. Nam quidam sua potentia uel sapientia inducunt ad hoc populum ut patet de Nemroth, Gen. Item aliquando est a domino, ut instituit Moysen, Saulem. Item potest esse a populo considerans bonum commune. Primi habent motum presumptionis et superbie . . .”

or of its better part.⁹⁸ The case of hereditary monarchy does not constitute a valid counterexample, because the people can decide to be ruled through the hereditary principle, so that the prince cannot be deposed unless he damages the community. John also interprets the controversial episode of Pope Zacharias' deposition of the last Merovingian king from this perspective. Adhering to an opinion that was rejected by the Papal Curia at the time, this Paris theologian claims that Childeric was deposed by the multitude of his subjects, and Zacharias simply limited himself to approving the deposition.⁹⁹ Resorting to a expression that is clearly reminiscent of an actual discussion, John also dismisses an objection coming "a latere." According to this objection the king enjoys a direct *dominium* over all the goods existing in his kingdom, which is not true for the people. John counters that the people never granted the king any such right; the authority he has over the goods of his subjects can be used only for the sake of the community and cannot be compared to the right he possesses over a good he himself has acquired.¹⁰⁰

The canon regular John of Mont-Saint-Eloi was confronted with a question directly concerning the origins and extent of lay power. A few years later, even though the chronology of his *quodlibeta* is far from being determined (the first *Quodlibet* should be dated to 1315/16,

⁹⁸ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: "Si ergo aliquis iuste principatur in populo oportet quod sit uel a deo uel a populo; nam multitudo non potest teneri in pace nisi saluetur iusticia, et quia ad hoc multitudo naturaliter inclinatur, ideo etc. et ad dominium naturaliter inclinatur et ad principem. Unde arguo: consonum est recte rationi quod multitudo illud eligat quod vel ad quod naturaliter inclinatur. Item per naturam quilibet est equalis alteri in specie, ergo numquam aliquis instituitur a natura, si ergo recte principetur, hoc est per consensum multitudinis uel sanioris partis. Item, quilibet habet auctoritatem saluandi personam suam, ergo multitudo habet a deo auctoritatem saluandi se ipsam, quod fit per principem . . . Item nulla necessitas fuit principatus nisi populus; nam populus fuit prius, ideo principatum instituit et non econuerso."

⁹⁹ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: "Ad illud de successionem naturali dicendum quod ista non contradicunt, quia possit (?) esse quod populus sic instituit ut per successionem esset princeps, nec potest amoveri a multitudine nisi principetur in destructionem multitudinis . . . Unde Zacharias deposuit regem Franciae, quia principes hoc sibi proposuerunt et ipse consensit, non deposuit, 15. q. 6. c. *aliis*; multitudo enim eum deposuit eo approbante."

¹⁰⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, f. 202va: "Item arguebatur a latere, quia princeps habet dominium <di>rectum, populus autem non. Dicendum quod numquam multitudo talem auctoritatem dedit sibi, sed solum ut venit ad bonum multitudinis, non in destructionem, unde non habet dominium directum sicut super domum uel agrum quem emit."

but on the basis of speculation, and not direct evidence), the Dominican master John of Naples was asked an even more fundamental question, why there are power relations among human beings. The fact that this question was posed directly is interesting in itself, because, as we have already seen, in earlier texts the problem of the origins of power was tackled in an indirect way, very often *via* the problem of the origins of private property. Perhaps this is not by mere chance: in a period when treatises *de potestate papae* were widespread, the audiences at quodlibetal disputations were more accustomed to phrasing their questions in terms of principles. On the other hand, one should not forget that John of Naples is the author of a *quaestio* (not belonging to a *quodlibet*) about papal power that with good reason Miethke lists among the *de potestate papae* treatises.¹⁰¹ As Pierre Michaud-Quantin showed more than forty years ago,¹⁰² in *Quodlibet* II, q. 18, John of Naples discussed the question *Utrum in primo statu fuerit dominium unius hominis super alium*.¹⁰³ Asking whether in the State of Innocence there existed a dominion of a man over other men entails asking about the role of power in God's project for mankind. John of Naples answers that before the Fall no man could be the slave or servant (in this context, "servus" has a wide semantic scope) of another, but political authority did exist. One should distinguish between two kinds of *dominium*: the first is exercised over individuals who are not free, and can be called "despotical," applying Aristotle's word in the *Politics*. The second kind of *dominium* can be dubbed "political" and is exercised over free persons. John argues at length that in the State of Innocence nothing made the despotical *dominium* necessary. Interestingly enough, he argues first of all that men in the State of Innocence cannot experience anything that contradicts their will; as a consequence they cannot be deprived of their freedom against their will. Second, he remarks that *servitus* can be a constriction, an effect of natural differences, or a free choice. John dismisses these three possibilities, not only because human beings before Sin are not forced to do anything, but also because among individuals in the State of

¹⁰¹ Miethke, *De potestate papae*, p. 316.

¹⁰² P. Michaud-Quantin, "Le droit naturel chez Jean de Naples," *RTAM* 29 (1962), pp. 268–287.

¹⁰³ John of Naples, *Quodl.* II, q. 18, Napoli, Biblioteca Nazionale, VII.B.28, ff. 38va–39ra. John had the opportunity to focus on a similar issue also in his *Quodlibet* IV, q. 15, *Utrum dominium vel servitus competat de iure naturali vel de iure positivo tantum*.

Innocence there are no such differences justifying the despotic submission of one to another, as happens after Sin, when, according to the Philosopher, *servitus* can be rooted in the intellectual superiority of one group. Finally, unlike the Fallen State, Innocence does not imply situations that could lead someone to choose *servitus* voluntarily.¹⁰⁴ One must remember that mankind in the State of Innocence is mainly devoted to contemplation, an activity that requires freedom. Nevertheless, even an imaginary, perfect community of humans who did not experience the Fall needs *dominium*, one that is exercised, however, on free persons. This “political” *dominium* is founded on differences in rationality and virtue. In John’s opinion, gender and slight differences in bodily constitution and intelligence existed even in the State of Innocence: according to such differences some men would have been able to lead the others, who in their turn would have freely accepted this kind of subordination.

This principle also holds after the Fall. In this new situation, however, differences among human beings become more dramatic, and even slavery can be considered compatible with natural law, provided that the slave is by nature suited to execute orders and the master intelligent enough to lead him. In this way, they complement each other, because the slave possesses the bodily strength lacking in his master, but needs to be guided by someone else. Different degrees of intellectual capacity also justify a political hierarchy among free men, so that social order reflects (at least in principle) natural differences existing among individuals. Here the Dominican theologian adopts a line of thought that, as Christoph Flüeler has stressed in an brilliant article,¹⁰⁵ was rooted in the first reception of Aristotle’s politics, especially by the commentator Peter of Auvergne, and exerted a long-lasting influence on medieval political thinkers, although it was not left unchallenged by other traditions.¹⁰⁶

¹⁰⁴ John of Naples, *Quodl.* II, q. 18, f. 38vb: “3^o fuisset talis servitus quia unus homo alteri se voluntarie subiecisset ut seruum, et hoc dicere est etiam impossibile, quia aut homo sic se alteri subiecisset propter aliquam magnam necessitatem, et hoc dicere est impossibile, quia nulla talis necessitas in illo statu fuisset; aut absque omni necessitate homo se alteri voluntarie subiecisset, et hoc est impossibile, quia hoc est contra omnem appetitum et voluntatem et specialiter ordinatam qualiter in primo statu fuisset.”

¹⁰⁵ C. Flüeler, “Ontologie und Politik”; see also idem, *Rezeption und Interpretation I.*

¹⁰⁶ Reference should be made here to one Franciscan tradition, which however did not find as much expression in *quodlibeta* as in other genres; besides Flüeler, “Ontologie und Politik,” see also my “Poverty and Power. Franciscan Traditions in

John of Naples also follows a similar pattern when dealing with the origins of private property.¹⁰⁷ In *Quodlibet* X, q. 25, *Utrum distinctio dominiorum vel possessionum sit de iure naturali tantum vel de iure positivo*, he argues that in the pre-lapsarian state there was no private property, but everything was held in common. Only after the Fall did it become necessary to divide property among individuals and groups in order to obviate the consequences of sin. Although the criteria adopted in implementing such a division cannot be said to depend on nature, but rather on positive laws, after the Fall private property per se is in perfect accordance with natural reason. Walking in the footsteps of Aquinas, the Dominican theologian from Naples reveals a strong tendency towards founding political and economic institutions in the natural order, while leaving more room for human initiative only in relation to the actual division of property.

Conclusion

In my opinion, the present survey—its preliminary character notwithstanding—reveals not only that the field of political *quodlibeta* is far from having been sufficiently investigated, but also that it is difficult to circumscribe them in a clear-cut manner. The most obvious remark is that, for the period of time I have investigated, ecclesiology was of greater importance for political theory than it is in modern times. I have therefore tried to trace a first map of “places” that could be seen as relevant for this issue. This map cannot claim to be definitive, if for no other reason than because many questions can reveal an unsuspected political relevance. One of the most striking examples is John of Pouilly’s *Quodlibet* V, q. 15: *Utrum si aliquis sit confessus heresim et postea revocet in facie Ecclesie dicendo se falsum dixisse, talis debeat dici relapsus*, where the author himself declares that this issue has close connections to the tragic trial of the Knights Templar and that he has “determined” against them since the time of their arrest by the

Later Medieval Political Thought,” in *Moral Philosophy on the Threshold of Modernity*, J. Kraye and R. Saarinen, eds. (The New Synthese Historical Library, 57) (Dordrecht 2005), pp. 141–63. A comparison with Scotus’ thought in this respect could be interesting; cf. *John Duns Scotus’ Economic and Political Philosophy*, ed. and trans. A.B. Wolter (St. Bonaventure, NY, 2001); Lambertini, *La povertà pensata*, pp. 111–39.

¹⁰⁷ For the following I rely essentially on Michaud-Quantin, “Le droit naturel chez Jean de Naples.”

officers of Philip the Fair.¹⁰⁸ In this light, the earlier *Quodlibet* II, q. 19, *Utrum expediat quod secreta cuiuslibet religionis revelentur papae*, also takes on a strong “political flavour.”¹⁰⁹ Some suspicion may then also arise concerning John of Mont-Saint-Eloi’s *Quodlibet* II, q. 3, *Utrum confessio extorta per tormenta praepjudicet confitenti*, although he does not make any reference to the Templars;¹¹⁰ after all, together with Gerard of Saint-Victor and Henry of Friemar, he was among the university masters who signed a sort of official answer to a question posed by King Philip about the Templar affair.¹¹¹

Sometimes political current events surface unexpectedly in quodlibetal disputations. A few examples will suffice to show this. In 1291/92 Henry of Ghent, discussing *Utrum miles, si praevolando consortes suos in exercitum hostium cadat, faciat opus magnanimitatis* (*Quodlibet* XV, q. 16), makes reference to the siege of Acre and its fall in 1291,¹¹² com-

¹⁰⁸ I am quoting from Zeyen, *Die theologische Disputation*, p. 25: “Et dicendum quod anno captionis Templariorum a praelatis diversarum provinciarum congregatis Parisius multae quaestiones seu multi articuli de Templariis secundum diversa facta et diversas condiciones ipsorum fuerunt traditae doctoribus Sacrae Scripturae et utriusque iuris, ut de ipsis responderent, quid eis videretur. Inter quas quaestiones proposita difficilior videbatur et ipsa sola contrarios habuit indices in ambabus facultatibus. Et multo plures dicebant eos non esse relapsos, et valde pauci dicebant eos iudicandos esse relapsos; ita quod fuerunt XIX doctores sacrae Scripturae dicentes eos non esse relapsos, nullam ad hoc coram praelatis dicti sui rationem assignantes. Ego autem et duo alii tantum contrarium tenuimus pulchras et bonas rationes, quas consequenter recitabo, coram dictis praelatis in capella Parisiensis episcopi assignantes.”

¹⁰⁹ Glorieux I, p. 225.

¹¹⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 3, BAV, Vat. lat. 1086, ff. 217vb–218ra: “dicendum quod aut perseuerat post tormenta aut non. Si non tunc non preiudicat; nam pro tempore quo est in tormentis non preiudicat, sed cum est extra tormenta, tunc sua confessio valet, quia voluntaria est. Si //218ra// uero non perseuerat per se et directe non preiudicat.”

¹¹¹ Cf. *CUP* II, pp. 127–8 (the document is dated 25 March 1308). Karl Ubl has promised an investigation of Pouilly’s quodlibetal questions concerning the Templars: cf. Miethke, *De potestate*, p. 184.

¹¹² Henry of Ghent, *Quodl.* XV, q. 16 (ed. Paris 1518), ff. 594r–595v; esp. f. 594: “Quia ista questio tangit et in exemplum proponit captionem, subversionem, atque destructionem civitatis Aconensis atque Christianorum et incolarum eiusdem: de quibus mentionem facit dominus papa in littera exhortatoria, de qua mentio habita est supra in quaestione de indulgentiis, sic inquit: ‘Ciuitas Aconensis quadraginta quatuor diebus arctissima Babylonicae potentiae obsidione circumdata, terribilibus machinis die noctuque vexata . . . dei permissione mirabili et stupenda succubuit: capta per eos et igni exposita, christicolis inibi existentibus caesis innumeris, et caeteris, qui habere nequiverunt ad maritima vasa succursum, in captivitatem abductis. Que quidam facta narrantur anno domini Mcc nonagesimo primo, x die mensis maii.’ The pope quoted by Henry is Nicholas IV. The date seems to be wrong,

menting on the heroism of a Frankish knight. Henry praises the courage of this person, judges his self-sacrifice as an act of virtue and suggests that if his example had been followed by the others, resistance in Acre would have been successful.¹¹³ As mentioned above, when Thomas of Bailly comments on *Inter cunctas*, this papal bull belonged to the most recent of events. Indeed, Thomas inserts some positive remarks about Benedict XI's personality in his treatment, speaking of the pope as a man of age and experience, even though at the same time he does not conceal his dissent vis-à-vis the recent papal decision.¹¹⁴ James of Thérines' *Quodlibet* I, q. 13 (1306), declares already in the title its close connection to current political issues: *Utrum papa debeat remanere Burdegalis vel ire in Italiam*.¹¹⁵ This *quodlibet* has also been studied as a source for the knowledge the Parisian masters had of Fra Dolcino's heresy, since his rebellion against the Church gave James' audience the opportunity to question Clement V's behaviour. The Cistercian master, rather well informed about North Italian events, defends the pope's right to stay in Bordeaux.¹¹⁶

This list of more or less explicit references to current events could continue, and probably deserves an investigation of its own. This first exploration in the wide field of political *quodlibeta*, however, has focused on *quodlibeta* that have relevance for political theory and could therefore be referred to even outside the immediate context of their discussion. Through examples taken from mostly edited texts I have emphasised which issues discussed could have an impact in

but only a critical edition can establish whether Henry was himself not well informed, or the mistake is a mere copying accident.

¹¹³ Henry of Ghent, *Quodl.* XV, q. 16, *ibid.*, f. 595r: "... dico credens firmiter quod opus militis nostri erat opus magnanimitatis, ex cuius habitu repente elegit opus summe arduum, honeste scilicet mori pro fide et civitate, quam fugiendo inhoneste vivere et forte fuga incerta non subveniente iugum servitutis Sarracenorum subire. Quod si caeteri cives et commilitones sic fecissent, et tales fuissent ut ille, credo quod proculdubio in adiutorio dei victoriam obtinuissent, et civitas staret."

¹¹⁴ Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux *cit.*, p. 335: "Propter quod dicendum quod cum dominus Benedictus papa multa viderit, quia antiquus homo fuit et in multis regionibus conversatus, et sic potuit perpendere aliquos casus propter quos visum fuit expediens hoc privilegium fratrum concedere, qui casus michi et multis aliis non apparuerunt, ex quibus videatur michi et multis aliis expediens, sed potius contrarium. Quid autem in rei veritate expediat, Deus novit."

¹¹⁵ Cf. Glorieux I, p. 212: edition in *idem, Jacques de Thérines. Quodlibet I et II* (Paris 1958), pp. 153-7.

¹¹⁶ R. Orioli, "Jacques de Thérines: una fonte trascurata su Fra Dolcino," *Bullettino dell'Istituto Storico per il Medio Evo* 89 (1980-81), pp. 489-507.

political thought. From this perspective, political quodlibetal questions appear not only to have been conduits of political theory, especially in the decades preceding the rise of *de potestate papae* treatises, but also to have paved the way to many of the most famous political works of the first decades of the fourteenth century. Quodlibetal questions coexisted for a certain period of time with *de potestate papae* treatises, which in the end superseded *quodlibeta*, but a closer look reveals a great debt to the preceding discussions, couched in a different context and in a different literary genre.

“WHATEVER” ECONOMICS:
ECONOMIC THOUGHT IN *QUODLIBETA*

Giovanni Ceccarelli

More than ten years ago, in a study that is perhaps the most complete examination of economic thought in the late Middle Ages, Odd Langholm argued that *quodlibeta* are “among the richest sources of scholastic economics.”¹ Despite such an important statement, the great variety of texts taken into account in his analysis—Aristotelian commentaries, handbooks for confessors, treatises on contracts, theological writings, etc.—tends to overshadow the peculiarity of the quodlibetal genre. Langholm’s contribution, however, is until now the most extensive treatment of this particular type of source, and accordingly my brief overview will mainly be based on it. Since Langholm is mainly concerned with theoretical issues, something must be said about the formal aspects of *quodlibeta* as related to economics. Thus, in order to establish whether “external factors” had an influence on the doctrinal content of such writings, the first part of this brief study will be devoted to 1) the relation between quodlibetal questions and other major “economic genres,” 2) the geographical contexts in which the questions were debated, and 3) the different periods in which *quodlibeta* were disputed.

The second part of this overview will focus on the economic content of *quodlibeta* and address the topics that were commonly faced during the disputations. Regarding this point a methodological statement is necessary, since Langholm’s emphasis on Aristotle’s influence on scholastic thought may be partially misleading.² The relevance of

¹ O. Langholm, *Economics in the Medieval Schools. Wealth, Exchange, Value, Money and Usury, according to the Paris Theological Tradition, 1200–1350* (Leiden 1992), p. 31.

² Such a perspective is not at all a novelty; it was already a crucial point among historians in the late 1950s, and it continues to be adopted nowadays by many scholars. Cf. J.T. Noonan, *The Scholastic Analysis of Usury* (Cambridge, MA, 1957); J.W. Baldwin, *The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries* (Transactions of the American Philosophical Society, 49.4) (Philadelphia 1959); D. Wood, *Medieval Economic Thought* (Cambridge 2002).

the Greek philosopher is indeed crucial, yet many scholars indicate a much more complex cultural framework. Several studies—which Langholm seems to overlook—reveal that the impact of other traditions must be taken into account, such as patristic texts, Gregorian and post-Gregorian writings, and legal sources (from both canon and civil law). In particular, it has been suggested that when late-medieval thinkers faced topics related to economics they focused heavily on the massive amount of works constituting what has been defined as “the economic activity of the Church.”³

A quick glance at the list of questions provided by Palémon Glorieux seems to confirm that theologians were not merely asked to discuss what scholars consider standard economic subjects (usury, just price, rent contracts, money-changing, etc.), since issues like simony, tithes and other benefices assigned to clerics, almsgiving and restitution, administration of ecclesiastical goods, and evangelical poverty were rather common during the quodlibetal sessions.⁴ A systematic study

³ I borrow this expression from J. Gilchrist, *The Church and Economic Activity in the Middle Ages* (New York 1969). The latest works by Odd Langholm—*The Legacy of Scholasticism in Economic Thought. Antecedents of Choice and Power* (Cambridge 1998) and *The Merchant in the Confessional. Trade and Price in the Pre-Reformation Penitential Handbook* (Leiden 2003)—do not take into consideration several recent contributions by Italian, Spanish and French scholars. See, for instance, B. Clavero, *Antidora. Antropologia católica de la economía moderna* (Milan 1991), French trans. J.F. Schaub, *La grâce du don: anthropologie catholique de l'économie moderne* (Paris 1996); G. Todeschini, *Il prezzo della salvezza. Lessici medievali del pensiero economico* (Rome 1994); S. Piron, “Marchands et confesseurs. Le Traité des contrats d’Olivi dans son contexte (Narbonne, fin XIII^e–début XIV^e siècle),” in *L’argent au Moyen Age* (Paris 1998), pp. 289–308; S. Piron, “Perfection évangélique et moralité civile: Pierre de Jean Olivi et l’éthique économique franciscaine,” in *Ideologia del credito fra Tre e Quattrocento: dall’Astesano ad Angelo da Chivasso*, B. Molina and G. Scarcia, eds. (Asti 2001), pp. 103–43; G. Todeschini, *I mercanti e il Tempio. La società cristiana e il circolo virtuoso della ricchezza fra Medioevo ed Età Moderna* (Bologna 2002). Language can only be partially considered as an excuse for these omissions, since some works can also be found in English; cf. R. Lambertini, “*Usus and Usura: Poverty and Usury in the Franciscans’ Responses to John XXII’s Quia vir reprobus*,” *Franciscan Studies* 54 (1994–97), pp. 185–210; G. Ceccarelli, “Risky Business: Theological and Canonical Thought on Insurance from the Thirteenth to the Seventeenth Century,” *The Journal of Medieval and Early Modern Studies* 31.3 (2001), pp. 607–58; G. Todeschini, “Franciscan Economics and Jews in the Middle Ages: from a Theological to an Economic Lexicon,” in *Friars and Jews in the Middle Ages and Renaissance*, S.J. McMichael and S.E. Myers, eds. (Leiden 2004), pp. 99–117.

⁴ See Glorieux I and II. The catalogue of disputations in Glorieux I and Glorieux II has been checked and integrated by that recently provided on the web by Silvain Piron, at the following address: www.quodlibase.org. Due to lack of space, it is impossible to offer a complete list of all these disputations; therefore, I will limit

of these discussions is beyond the goals of this brief study, yet a full treatment of *quodlibeta* on standard economic topics should take into account that, in the mind of the theologians, these issues were just a part of a broader vision of the economy. So, one must not be surprised to discover that a master like Gerard of Abbeville in 1265 could undertake a parallel discussion on profits derived from prostitution and those derived from the fraudulent retention of an ecclesiastical benefice. Although these are totally different issues, the same principles are to be applied in order to determine the morality of both economic transactions and, thus, the two questions may be discussed jointly.⁵

The relationship between *quodlibeta* and the other literary genres in which scholastic thinkers usually addressed economic topics, like treatises on contracts or parts of the commentaries on the *Sentences* of Peter Lombard, seems to be variable. First of all we must recall that some masters who played a role in late-medieval economic thought—like Henry of Ghent, Godfrey of Fontaines and John of Naples—specialized in the quodlibetal genre. For these authors a public debate was a suitable forum to deal with issues that others needed to approach in a more systematic fashion. Furthermore, for

myself to a sample concerning a major master, like Godfrey of Fontaines, and a more minor one, as Roger Marston. Godfrey of Fontaines' questions that I consider to be dealing with economics in a broad sense are (in italics, those taken into account by Odd Langholm): *IV.21*, *V.14*, *V.15*, *VII.14*, *IX.15*, *X.19*, *XI.17*, *XII.7*, *XII.9*, *XII.13*, *XII.14*, *XIII.5*, *XIII.6*, *XIII.14*, *XIII.15*, *XIII.17*, *XV.14* on economics in a strict sense; *I.15–16*, *II.13*, *III.11–12*, *VI.17*, *VII.13*, *XI.10–15*, *XIII.7–8*, *XIII.16* on the economic activity of the Church; *IV.16*, *V.16*, *VIII.11*, *IX.4*, *X.16*, *XI.6*, *XI.8*, *XII.19–20*, *XIII.10* on evangelical perfection and voluntary poverty; and, furthermore, two questions on inheritance (*VI.18*) and dowries (*V.20*) and one that deals with the love of temporal goods (*VIII.12*); cf. Langholm, *Economics*, pp. 288–95. Roger Marston's questions that I include in the number of those related to economics are (in italics, the only ones taken into account by Odd Langholm): *I.20* on almsgiving; *I.28* on the vow of absolute poverty; *II.36* on superfluous goods; *III.20* on tithes; *IV.39* on just taxation by the King; *IV.40* on usury; cf. Langholm, *Economics*, pp. 322–3.

⁵ Gerard of Abbeville, *Quodl.* V, qq. 8–9, Paris, BNF, lat. 16405, ff. 55vb–56va; q. 8: "Utrum prebenda per simulationem obtenta debeat resignari et fructus precepti restitui"; q. 9: "Utrum in meretrice possit transferri dominium de meretricio." The maxim that the secular master applies—*meretrix turpiter agit sed non turpiter accipit*—in order to set the comparison is a classical one in the discussion on shameful gains (*turpe lucrum*) and it can be found commonly in scholastic literature; cf. J. Brundage, *Sex, Law and Marriage in the Middle Age* (Aldershot 1993); G. Ceccarelli, *Il gioco e il peccato. Economia e rischio nel Tardo Medioevo* (Bologna 2003), pp. 200–21.

some more minor theologians—such as Eustache of Arras, Henry of Harclay, or Roger Marston—*quodlibeta* represented the only occasion to state their opinion on themes like usury or just price.⁶

In some cases, masters who treated credit and commerce extensively in their commentaries on the *Sentences*, or in treatises on buying and selling and on usury, did not address these arguments at all during their quodlibetal disputes. For instance, John Duns Scotus, who devoted long parts of book IV of the *Opus Oxoniense* and of the *Opus Parisiense* to problems related to economics, making a fundamental contribution to subsequent discussions on usury and just price, was never asked to debate these issues during his quodlibetal sessions. The same can be said for Alexander of Alexandria. Author of a well known *quaestio disputata* on usury, of a short treatise *De usu paupere*, and of a polemical letter to Ubertino da Casale on the same subject, Alexander also discussed simony in his lectures on book IV of the *Sentences*; nevertheless, we find no mention of economic problems in his *quodlibet*.⁷

Sometimes, on the contrary, the link that ties quodlibetal questions to texts devoted to economics is evident. It could happen that a master dealing for the first time with a specific topic during a public debate later came back to the same problem in a more analytic work (a treatise on usury or poverty, for example) in order to discuss it more systematically. The typical case is that of Peter John Olivi, who approached a number of questions on economics in the *quodlibeta* debated in Montpellier and Narbonne in the years immediately prior to the composition of his treatise *De contractibus*. Again, the *De usuris*

⁶ Eustache of Arras, *Quodl.* I, q. 9, Paris, BNF, lat. 13466, f. 127rb: “Utrum usurarius solum tenetur restituere principale, vel si de pecunia habita de usuris lucrum fuerit secutum, teneatur lucrum restituere cura principali”; cf. Langholm, *Economics*, p. 322, and P. Glorieux, “Maîtres Franciscains de Paris: Fr. Eustache,” *La France Franciscaine* 13 (1930), pp. 125–71. Henry of Harclay, *Quodl.* I, q. 2, BAV, Borghese 36, ff. 96v–97r: “Utrum liceat vendere vel locare aliquid pro pretio nunc estimando quod presumitur valiturum tempore futuro”; cf. Glorieux II, pp. 133–4. Roger Marston, *Quodl.* IV, q. 40, eds. G.F. Etzkorn and I.C. Brady (Quaracchi 1968), pp. 453–5; cf. Langholm, *Economics*, pp. 322–3.

⁷ On Scotus’ economic thought see Langholm, *Economics*, pp. 403–18, and A.B. Wolter, *Duns Scotus’ Political and Economic Philosophy* (Santa Barbara, CA, 1989); cf. also Glorieux I, pp. 218–19. Alexander of Alexandria’s *Quaestio disputata de usuris* is edited in A.M. Hamelin, *Un traité de morale économique au XIV^e siècle. Le Tractatus de usuris de maître Alexandre d’Alexandrie* (Louvain 1962), pp. 123–211; cf. Langholm, *Economics*, pp. 429–46; Piron, “Perfection évangélique,” pp. 139–40; Glorieux II, pp. 55–6.

et de praescriptionibus of Gerard of Siena is based on three questions discussed by this Augustinian friar during a quodlibetal session.⁸

On other occasions the relationship between *quodlibeta* and other literary genres is reversed: in solving the questions faced during public debates, the master drew on arguments he had previously made in major works. For instance, in various questions about usury and usurious profits Giles of Rome refers to what he had argued, some years before, in his political writing *De regimine principum*. A similar case is perhaps that of Richard of Menneville (Middleton); scholars do not agree in dating his works, yet it seems likely that this Franciscan master wrote a final redaction of his commentary on the *Sentences* after having widely discussed economics during his quodlibetal session of 1285.⁹

The economic and cultural context in which the disputes occurred seems to have had a direct influence on the topics that masters were asked to deal with. In the debates that took place in Paris we encounter several examples of questions that are related to contingent and local economic problems. A case in point, to which I shall return later, is that of the discussion on the rent contract (the *census*), a form of credit that was of primary importance in northern

⁸ In his treatise on contracts (pars II, dub. 6) Olivi, discussing a case of commercial partnerships, remarks that he has already discussed the same issue in a previous *quodlibet*. Cf. G. Todeschini, *Un trattato di economia politica francescana: il "De emptioibus et venditionibus, de usuris, de restitutionibus" di Pietro di Giovanni Olivi* (Rome 1980), p. 85, with Peter John Olivi, *Quodl.* I, q. 17, ed. S. Defraia (Grottaferrata 2002), pp. 58–63. See also A. Spicciati, "Gli scritti sul capitale e sull'interesse di fra Pietro di Giovanni Olivi. Fonti per la storia del pensiero economico medievale," *Studi Francescani* 73 (1976), pp. 289–313, and Piron, "Marchands et confesseurs," pp. 289–308. On the complex relationship between Gerard of Siena's economic *quodlibeta* (I, qq. 15–17) and his treatise on usury, see Langholm, *Economics*, pp. 549–60, esp. 550; Glorieux II, pp. 142–3; and Schabel-Courtenay in volume II.

⁹ The *De regimine principum* was composed before 1285, whereas the questions to which I refer (*Quodl.* II, qq. 26–7; *Quodl.* VI, q. 22) were debated in 1287 and 1291; cf. Langholm, *Economics*, pp. 375–89, esp. pp. 386–9, and Glorieux I, pp. 140–8; Glorieux II, pp. 99–100. Richard of Menneville's economic discussion in his commentary on the *Sentences* is not only dependent on his *quodlibet* on life rents (II, q. 23)—as Langholm shows—but also on several other questions debated during the same session, as that on simony (II, q. 24), that on restitution of shameful gains (II, q. 29), or that on the taxation of the clergy by civil authorities (II, q. 30). All of these contributions can be read in the Brescia edition of 1590–91; cf. respectively (Brescia 1590), pp. 217–27 (*IV Sent.*, d. 15, q. 5), and (Brescia 1591), pp. 65–80 (*Quodl.* II, qq. 23–30). For the dating of Richard of Menneville's economic writings see Langholm, *Economics*, pp. 329–30; see also Glorieux I, pp. 267–73, and Glorieux II, p. 257.

France and in Flanders. Another instance that may be recalled is that of the controversy concerning the mendicant way of life of the Franciscan and Dominican orders. When the second phase of the quarrel began around 1268, many of the polemical works in favor or against mendicancy relied on themes already addressed during previous quodlibetal disputes. For example, several writings of Gerard of Abbeville, like the *Sermo factus apud fratres minores* or the *Contra adversarium perfectionis christianae*, are a development of earlier quodlibeta.¹⁰ John Pecham's contributions in defense of Franciscan poverty, although written in Oxford after 1271, also relate to questions on evangelical perfection and the administration of the Church's properties discussed during his regency in Paris.¹¹

Besides these two major issues, however, among the many questions debated in Paris we only find a few disputations that are closely connected to economic practices. Gerard of Abbeville, for instance, deals with a case related to the monetary policy of Louis IX of France, whereas Godfrey of Fontaines treats professional money-lending, shortly after the expulsions of Lombard pawnbrokers from the

¹⁰ On the quarrel between secular masters and mendicant friars see the classical study by Y. Congar, "Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e," *AHDLM* 36 (1961), pp. 35–151; on the second phase of the controversy cf. R. Lambertini, *Apologia e crescita dell'identità francescana (1255–1279)* (Rome 1990), pp. 25–171. For the relationship between quodlibetal questions and anti-mendicant works in Gerard of Abbeville, see L. Bongianino, "Le questioni quodlibetali di Geraldo di Abbeville contro i mendicanti," *Collectanea franciscana* 32 (1962), pp. 5–55. Four quodlibetal questions on this issue are edited in A. Teetaert, "Quatre questions inédites de Gérard d'Abbeville pour la défense de la supériorité du clergé séculier," in *Archivio Italiano per la Storia della pietà* 1 (1951), pp. 128–78.

¹¹ John Pecham, *De usu paupere*, ed. F.M. Delorme, "Trois chapitres de J. Pecham pour la défense des ordres mendiants," *Studi Francescani* 29 (1932), pp. 47–62, 164–193; John Pecham, "Tractatus contra fratrem Robertum Kilwardby," in *Tractatus tres de paupertate*, C.L. Kingsford, A.G. Little and F. Tocco, eds. (Aberdeen 1910). These writings are to be compared with the various questions debated by the English master around 1270, during quodlibetal sessions I and II held in Paris, that deal with issues like evangelical perfection—I, q. 20, eds. G.J. Etzkorn and F. Delorme (Grottaferrata 1989), pp. 44–7; good administration of ecclesiastical properties and benefices—I, q. 25, pp. 55–6, I, q. 32, pp. 68–70, II, q. 19, pp. 115–16; and simony—II, qq. 21–23, pp. 117–20; III, q. 18, pp. 166–7. Cf. also a question dealing with voluntary poverty from the third collection, probably debated in Oxford after 1272, *Quodl.* III, q. 48, pp. 280–6. For the close relation between the quodlibeta and the writings in defense of Franciscan poverty, see also the observations by Girard Etzkorn in his introduction (p. 22) to the critical edition of Pecham's quodlibeta.

French kingdom.¹² It may be that future research will change this impression, but the picture that one gets by comparing these *quodlibeta* with those debated in the mendicant provincial *studia* is that local discussions were much more interested in economics. In particular, in those centres—such as Florence, Naples, or Montpellier—in which commerce and credit activities were highly developed, *quodlibeta* reveal that close attention was paid to what was happening in the marketplace. Peter John Olivi was frequently asked by the audience to solve issues that reflect real economic concerns within the merchant community of Montpellier. A well-known example is the question in which the Franciscan master deals with financial investments in commercial activity (I, q. 17). The discussion concerns a very specific kind of contract—a sort of bet on future profits made by a merchant—that was commonly used in Languedoc during those years. But Olivi was also requested to face other issues connected with practice, such as the introduction of new weights and measures in the city of Narbonne (V, q. 12). Sylvain Piron has argued that the detailed analysis of economic life that Olivi provides should perhaps be considered “quelque chose d’exceptionnel en son temps,” yet other authors of *quodlibeta* seem to display a similar attitude.¹³

The Dominican John of Naples, for instance, was asked to discuss a very complex case connected with a change in the local statutes regarding grain commerce; the Franciscan Peter of Trabibus was requested to solve a quite common issue in late thirteenth-century Florence, the repartition of profits in a partnership contract. Even when theologians dealt with trivial arguments such as the profit derived from gambling, their opinion was influenced by the local context in which the disputations were held. Whereas the treatment

¹² Gerard of Abbeville, *Quodl.* IV, q. 4, ed. D. Cornet, “Les éléments historiques de IV^e et VI^e ‘quodlibets’ de Gérard d’Abbeville,” *Mélanges d’archéologie et histoire, Ecole française de Rome* 58 (1941–46), pp. 193–6; cf. Langholm, *Economics*, pp. 279–80. Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. J. Hoffmans (Louvain 1932), pp. 114–17; the “secular masters” (ibid. p. 116) explicitly refers to Lombard pawnbrokers (*usurarii alienigenae*) who live in the country with the permission of the prince (*securitas et defensionem*). Cf. B. Schnapper, “La repression de l’usure et l’évolution économique (XIII^e–XVI^e siècles),” *Tijdschrift voor rechtsgeschiedenis-Revue d’histoire du droit* 37 (1969), pp. 47–74, esp. p. 51.

¹³ Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., pp. 58–63. See also Spicciani, “Gli scritti sul capitale e sull’interesse,” pp. 317–21; cf. Piron, “Marchands et confesseurs,” pp. 289–308. Peter John Olivi, *Quodl.* V, q. 12, ed. Defraia cit., p. 326; cf. Piron, “Perfection évangélique,” pp. 122–3 and 139.

of this topic by Olivi and Peter of Trabibus directly reflects the sophisticated consuetudinary legislation of the urban centers of Southern Europe, those by Guy of Cluny, John of Mont-Saint-Eloi or Richard of Menneville witness the absence of such norms, typical of Paris.¹⁴

Whether or not there is a chronological development in the economic issues approached during the quodlibetal sessions, it seems that the beginning of the debate on the *census* contract (1276) should be identified as a turning point. Those masters who wished to counter Henry of Ghent's condemnation of this contract had to rely on solid arguments, and this contributed to a higher level of economic analysis in public discussions. From this perspective, a good example is provided by Richard of Menneville's contribution (II, q. 23). This question is the longest of his second quodlibetal collection and it includes a discussion on four different forms of annuities, a wide-ranging analysis of commerce and just price, and the definition of several forms of contracts, such as loan, sale, donation, and deposit. As Veraja has noticed, Richard's *quodlibet* is not just a simple reply to a question raised by the public; rather it may be considered a small economic treatise.¹⁵

If we divide the over 300 quodlibetal questions on economic subjects into three broad categories—economics in a strict sense, the

¹⁴ John of Naples, *Quodl.* V, q. 13, Napoli, BN, VII.B.28, f. 76ra–b: “Utrum factio statutu de novo in aliqua civitate de non asportando frumento extra portum eius, navis que ante statutum onerata frumento de portu recessit et, tandum orta tempestate post statutum ad portum rediit, possit licite cum frumento de portu recedere.” Peter of Trabibus, *Quodl.* II, q. 17, Firenze, BN, Conv. Sopp. D.6.359, f. 116vb: “Utrum quis peccet accipiendo lucrum commune sibi et socio pro quanto plus laborat quam socius eo ignorante”; I recently discovered another copy of this question (along with three other quodlibetal questions, all attributed to Nicholas of Lyre) in a late-15th century codex: Padova, Biblioteca Universitaria 694, f. 139r–v. There are several *quodlibeta* devoted to gambling or that touch on this subject; see Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., pp. 58–63; Richard of Menneville, *Quodl.* II, q. 29 (ed. Brescia 1591), pp. 76–8; Peter of Trabibus, *Quodl.* I, q. 40, Firenze, BN, Conv. Sopp. D.6.359, f. 112va and Padova, Biblioteca Universitaria 694, f. 140r–v; Guy of Cluny, *Quodl.* I, qq. 3–4, Paris, BNF, lat. 15850, f. 20ra–va; John of Mont-Saint-Eloi, *Quodl.* II, q. 4, BAV, Vat. lat. 1086, f. 218ra–b. On the theological discussion on gambling see G. Ceccarelli, “Le jeu et le risicum chez Olivi,” in *Pierre de Jean Olivi (1248–1298). Pensée scolastique, dissidence spirituelle et société*, A. Boureau and S. Piron, eds. (Paris 1999), pp. 239–50; for the analysis of the cited *quodlibeta* see Ceccarelli, *Il gioco e il peccato*, pp. 181–310.

¹⁵ F. Veraja, *Le origini della controversia teologica sul contratto di censo nel XIII secolo* (Rome 1960), pp. 111–23; for a briefer review see Langholm, *Economics*, pp. 331–7, 339–41. A similar observation can also be made for Matthew of Aquasparta's public dispute on annuities, in which a discussion on the nature of several contracts is undertaken; see *Quodl.* I, q. 9, ed. Veraja, *Le origini della controversia*, pp. 201–3, esp. p. 202.

economic activity of the Church, and voluntary poverty—we notice a change in the subjects discussed by the masters before and after the dispute. In the first period (i.e. from early discussions to approximately 1275), less than one third of the questions deal with economics in a strict sense, whereas almost a half are concerned with the economic activities of the Church (41 out of 89), and a quarter with voluntary poverty. In a second phase, roughly coinciding with the debate (from 1275 to the early 1290s), one sees an increasing interest in economic issues. In those years almost a half of the *quodlibeta* approached these topics (51 out of 114), while there is a consistent decline in the number of questions specifically devoted to economics and the Church (less than one third of the total). Moreover, the number of disputations devoted to the main economic issue of those years (11 questions on annuities) almost equals that of *quodlibeta* on usury (15). From the mid-1290s, the *census* contract does not seem to be a major concern (only three questions deal with the issue), while economics in a strict sense widely dominates the field. More than one half of the disputes now refer to such topics (66 out of 118), whereas only one fourth of the *quodlibeta* focus on the economic activity of the Church, and one fifth deal with evangelical poverty. These are broad and, perhaps, incomplete data, so they can only be considered as indicative of a general trend. It appears, however, that in the long run there is a shift from topics related to the clergy and ecclesiastical institutions to issues more concerned with the lay economy.¹⁶

If one takes into consideration a single issue—that of credit—one notes a shift from a broader approach to a more specific one. Before the mid-1270s there are only a few contributions that may be mentioned as reaching an adequate level of economic analysis, for instance the *quodlibeta* on annuities and on credit sales by Gerard of Abbeville and those on usury by Thomas Aquinas and John Pecham. A good example of the standard approach adopted in this earlier period is provided by a question discussed by the Dominican Peter of Tarentaise in which the main argument is the unrefined analogy between theft and usury.¹⁷

¹⁶ These figures are only based on the titles of the questions provided by Glorieux I and II, and by the website www.quodlibase.org, since a systematic study of all these *quodlibeta* was clearly impossible.

¹⁷ Gerard of Abbeville, *Quodl.* XI, q. 17, ed. Veraja, *Le origini della controversia*, pp. 199–200; *Quodl.* XV, q. 8, BAV, Vat. lat. 1015, f. 108va–b. The dating of the first

Henry of Ghent's provocative condemnation of the *census* contract definitely opened a new phase in quodlibetal disputes. On the one hand, this genre tends to embody issues and conceptions that were emerging in contemporary writings specifically devoted to economics, such as those of Giles of Lessines and Peter John Olivi.¹⁸ On the other, it seems that the audience, after coming into contact with the sophisticated doctrines on annuities, expected the masters to solve more complex economic problems. Starting from the last two decades of the thirteenth century *quodlibeta* became a literary genre in which to undertake a discussion on several forms of credit. During the disputes, scholastic thinkers were now requested to face issues that range from credit sales to the selling of an outstanding debt for a lower sum than the one originally lent, from the payment of interest as compensation for economic loss to lending money free of any charge but in the hope of a profit.¹⁹ None of these issues can be consid-

question varies, according to different scholars, from 1262 to 1269, whereas the second was probably debated in 1269; cf. Langholm, *Economics*, pp. 281–2. Thomas Aquinas, *Quodl.* III, q. (7)19, in *Sancti Thomae de Aquino Quaestiones de quolibet*, ed. R.-A. Gauthier, 2 vols (Rome-Paris 1996), vol. II, pp. 275–6; John Pecham, *Quodl.* I, q. 31, eds. Etzkorn and Delorme cit., pp. 64–7; both *quodlibeta* were debated in Paris in 1270. Peter of Tarentaise, *Quodl.* I, q. 11, ed. P. Glorieux in *RTAM* 9 (1937), pp. 242–75; cf. Langholm, *Economics*, pp. 106–7.

¹⁸ Giles of Lessines, *De usuris in communi et de usurarum in contractibus*, in Thomas Aquinas, *Opera omnia*, vol. 17 (Parma 1864), pp. 414–36; this treatise was composed between 1276 and 1285 or, at latest, 1293; cf. Langholm, *Economics*, p. 300. Peter John Olivi, *Tractatus de contractibus*, ed. G. Todeschini (Rome 1980), pp. 51–112; the date of composition of this work is 1293–95; cf. Piron, “Marchands et confesseurs,” pp. 290–2.

¹⁹ The first and the third topics are faced respectively by Godfrey of Fontaines, *Quodl.* XII, q. 13, ed. J. Hoffmans cit., pp. 125–7, and Peter John Olivi, *Quodl.* I, q. 16, ed. Defraia cit., pp. 55–7; cf. Langholm, *Economics*, pp. 294 and 370. The last case is taken analyzed by Henry of Ghent, *Quodl.* VI, q. 26, ed. G.A. Wilson (Leuven 1987), pp. 233–44; Peter John Olivi, *Quodl.* V, q. 13, ed. Defraia cit., p. 327; Godfrey of Fontaines, *Quodl.* X, q. 19, ed. J. Hoffmans (Louvain 1931), pp. 398–406; and Peter of Trabibus, *Quodl.* I, q. 39, Firenze, BN, Conv. Sopp. D.6.359, f. 112rb–va, and Padova, Biblioteca Universitaria 694, f. 140r; cf. S. Piron, “Le devoir de la gratitude: émergence et vogue de la notion d’antidora au XIII^e siècle,” in *Credito e usura fra teologia, diritto e amministrazione. Linguaggi a confronto (sec. XII–XVI)*, G.M. Varanini, D. Quagliani and G. Todeschini, eds. (Rome 2005), pp. 73–101. Credit sales are discussed by several masters, e.g. Henry of Ghent, *Quodl.* III, q. 28 (ed. Paris 1518), ff. 88v–89v; Servais of Mont-Saint-Eloi, *Quodl.* I, qq. 13–14, Paris, BNF, lat. 15350, f. 272ra–b; Godfrey of Fontaines, *Quodl.* III, q. 11, eds. M. De Wulf and A. Pelzer (Louvain 1914), p. 220; Guy of Cluny, *Quodl.* II, q. 4, Paris BNF, lat. 15850, f. 41ra; Henry of Harclay, *Quodl.* I, q. 2, BAV, Borghese 36, ff. 96v–97r; John of Naples, *Quodl.* XIII, q. 17, ed. O. Capitani, “La venditio ad ter-

ered an absolute novelty in the history of medieval economic thought, yet the inclusion of such topics in *quodlibeta* shows that, from the last decades of the thirteenth century, public disputations were considered a suitable place to deal with economics. This suitability, however, will be short-lived. With the virtual disappearance of the written *quodlibet* by theologians in the 1330s, and perhaps directly related to this, from the mid-fourteenth century the *quaestio disputata*—along with treatises on buying and selling, usury and restitution—becomes the standard theological genre in which to approach economic problems.²⁰

Moving from the formal aspects to the economic content of *quodlibeta*, I will focus on three of the topics that the masters most commonly addressed: 1) trade activity and just price in buying and selling; 2) usury and other forms of credit suspected of being usurious; 3) annuities—the debate over which essentially took place within quodlibetal sessions.

One notes with surprise that such a major issue in scholastic economic thought as commerce and the profits derived from such activity was rarely dealt with explicitly during the public disputations. Yet, in spite of the limited interest that the audience seemed to have for this topic, the masters discussed trade activity, exchange and just price in a good number of *quodlibeta* addressing other problems such as credit sales, annuities, money-changing and market-place regulations.²¹ As for commerce, theologians had to cope with a disfavorable

minum nella valutazione morale di san Tommaso d'Aquino e Remigio de' Girolami," *Bullettino dell'Istituto storico italiano per il Medioevo* 70 (1958), pp. 357–9; cf. Langholm, *Economics*, pp. 261–3, 285–6, 291 and 475.

²⁰ The typical example of the increasing diffusion of the *quaestio disputata* is provided by the public discussions concerning the legitimacy of the public debt in several Italian cities, especially Florence; cf. J. Kirshner, "Storm over the 'Monte Comune': Genesis of the Moral Controversy over the Public Debt of Florence," *AFP* 53 (1983), pp. 219–76; L. Armstrong, "The Politics of Usury in Trecento Florence: The *Questio de monte* of Francesco da Empoli," *Mediaeval Studies* 61 (1999), pp. 1–44. See also J. Hernando, "*Quaestio disputata de licitudine contractus emptionis et venditionis censualis cum conditione revenditionis*. Un tratado sobre la licitud del contrato de compraventa de rentas personales y redimibles. Bernat de Puigercos, OP (siglo XIV)," *Acta Mediaevalia* 10 (1989), pp. 9–87. To draw strict distinctions between short *tractatus*, *quaestiones disputatae*, and simple *quaestiones* is, however, very difficult and only systematic research into the vast number of questions devoted to economics that are still unedited could lead to more conclusive statements.

²¹ Questions specifically devoted to buying and selling are rare; see, for instance, those discussed by Thomas Aquinas, *Quodl.* II, q. (5)10, ed. Gauthier cit., vol. II, pp. 228–9; Henry of Ghent, *Quodl.* I, q. 40, ed. R. Macken (Leuven 1979), pp.

opinion inherited from the patristic interpretation of Christ's eviction of the merchants from the Temple. Nevertheless, in the early decades of the thirteenth century, scholastic thinkers begin to re-examine the traditional stereotype of the greedy and fraudulent merchant. By mid-century, in the *Summa Theologiae* attributed to Alexander of Hales, it is possible to see the first clear recognition of trade as a socially useful activity.²² In the *quodlibeta* one can find several examples that show this change of attitude. Henry of Ghent, while condemning those businessmen who only seek to increase their wealth, praises those who provide for the necessities of life in the community. Richard of Menneville offers a highly laudable picture of long-distance trade and justifies the profits earned in such activity in consideration of the variation in the price of the same commodity in different geographical areas. Moreover, merchants are described as professionals who fulfill the needs of the buyers of a community by transporting goods from a region where there is an abundance to another where there is scarcity.²³

A *quodlibet* discussed in Florence by Peter of Trabibus at the end of the century may be taken as indicative of the new approach to

219–30; Peter of Trabibus, *Quodl.* II, q. 20, Firenze, BN, Conv. Sopp. D.6.359, f. 117va; and John of Naples, *Quodl.* IV, q. 18, Napoli, BN, VII.B.28, ff. 64va–65ra. See also Raymond Rigaud, *Quodl.* III(I), q. 17, Padova, Biblioteca Antoniana 426, f. 2va; I cite these *quodlibeta* from the collection of the Antoniana Library of Padua, giving in parentheses the corresponding number adopted by Glorieux, who follows another copy preserved in Todi; cf. Glorieux II, pp. 240–51, with V. Doucet, “Les neuf Quodlibets de Raymond Rigaud d’après le ms. Padoue Anton. 426,” *La France Franciscaine* 19 (1936), pp. 226–39. On Rigaud see Piron’s chapter above.

²² Alexander of Hales, *Summa theologiae*, vol. 4 (Florence 1928), pp. 723–4; cf. Langholm, *Economics*, pp. 130–3. For the origins of the ecclesiastical debate on commerce in the patristic literature, see Todeschini, *Il prezzo della salvezza*, pp. 119–86. For the development of these conceptions in the *Decretum Gratiani* and in canon law, see G. Todeschini, “Linguaggi economici ed ecclesiologia fra XI e XII secolo: dai *Libelli de lite* al *Decretum Gratiani*,” in *Medioevo, Mezzogiorno, Mediterraneo: Studi in onore di Mario del Treppo* I, G. Rossetti and G. Vitolo, eds. (Naples 2000), pp. 57–86. According to Todeschini, already in the 12th century, canon lawyers tended to establish a distinction between merchants, who were considered useful to the well-being of the Christian community, and usurers, who were identified as those whom Christ evicted from the Temple.

²³ Henry of Ghent, *Quodl.* I, q. 40, ed. Macken cit., pp. 224–5: “Salva pace sua, non oportet sic generaliter damnare omnes qui emunt res utiles et necessarias.” Richard of Menneville, *Quodl.* II, q. 23 (ed. Brescia 1591), pp. 65–6; cf. Langholm, *Economics*, pp. 333–5. In a much briefer version this idea is also stated in the same years by Raymond Rigaud, *Quodl.* I(III), q. 17, who argues in favor of business profits since this activity responds to the necessities of the community: “hoc exigit necessitas rei publice” (Padova, Biblioteca Antoniana 426, f. 2va).

this subject. In the context of one of the major medieval trading centers of Western Europe, the patristic hostility towards commerce seems unreasonable. It can only be explained, says the Franciscan master, if those Church Fathers who condemned trade gave the word *mercator* a different meaning than that nowadays given to this term. Rather, argues Peter of Trabibus, echoing a passage from Peter John Olivi's treatise on contracts, merchants are to be praised and they are useful to the community. Shortly after this *quodlibet*, John Duns Scotus would state fully the argument for the public utility of trade, which would be developed by other Franciscan masters, to become in the following decades one of the crucial elements of all the discussions of commerce and just price. As shown in a *quodlibet* of the Dominican master John of Naples, the idea of the social usefulness of trade would be of great influence well outside the Franciscan school.²⁴

Since commerce is necessary for the community's well-being, theologians agreed that profit acquired through business was to be considered lawful, but they also tried to establish why a merchant may buy a commodity at a certain price and resell it at a higher one. Discussing the issue of the just price in economic transactions, scholastic thinkers singled out a number of factors that explain price variations in the exchange process, and all of them can be found in *quodlibeta*. It may be useful to begin with those conceptions that masters firmly rejected, i.e. the "intrinsic interpretation of value" and the "status interpretation of value." Henry of Ghent, Servais of Mont-Saint-Eloi, and Godfrey of Fontaines argue in several discussions that the just price is not to be considered the value of a good in itself (*secundum se*). Thomas Aquinas, in a disputation held in 1272, strongly opposes the idea that the price of a good is influenced by the social status of the buyer or seller.²⁵

²⁴ Peter of Trabibus, *Quodl.* II, q. 20: "Salva tamen pace istorum, non videtur mihi esse insolvendos una sententia dampnationis omnes mercatores, nisi apud eos aliud sonet, quam sonet apud nos istud nomen mercator. Immo dico eos esse laudandos et peritiles rei publice, iuxta consilium Sapientie Salomonis, prout vult quod ait 'gustavit et vidit quia bona est negotiatio eius et non extinguetur in nocte lucerna illius'" (cited from Piron, *Marchands et confesseurs*, pp. 296-7; cf. Firenze, BN, Conv. Sopp. D.6.359, f. 117va). John of Naples, *Quodl.* IV, q. 18, Napoli, BN VII.B.28, f. 64vb.

²⁵ Servais of Mont-Saint-Eloi, *Quodl.* I, q. 13, and *Quodl.* I, q. 14, Paris, BNF, lat. 15350, ff. 272ra-b. Henry of Ghent, *Quodl.* VI, q. 22, ed. Wilson cit., pp. 203-10: "Cum igitur in commutatione vult aliquis dare vel accipere rem pro re vel pro

On the contrary, theologians took several objective elements into account in order to explain why prices increase in the exchange process, elements that in modern terms would be named cost and labor factors. The most influential contribution on this issue comes from Henry of Ghent who develops a theme introduced in the already cited *Summa* of Alexander of Hales. By establishing a comparison between a blacksmith who transforms iron into tools and a merchant who, in a similar way, modifies the nature of goods, the secular master argues that the latter may sell such goods at a higher price; this alteration can either be ascribed to transportation costs or to the labor and personal skills of the seller.²⁶ Another relevant factor taken into consideration was the relationship between supply and demand. As the contributions by Henry of Ghent, Richard of Menneville and John of Naples show, theologians recognized that scarcity (*indigentia*) has a direct influence on price fluctuations and that the value of a commodity can vary according to time or place.²⁷

In *quodlibeta* there are also several examples that hint at a subjective interpretation of value. In some cases, as with Servais of Mont-Saint-Eloi or John of Naples who both follow a passage of Thomas Aquinas' *Summa theologiae*, it is stated in terms of the loss suffered by the seller (or by the buyer) by his being deprived of the good exchanged. In others, as in a disputation by Henry of Ghent, the emphasis is more clearly laid on the subjective utility that a commodity has according to the parties involved in the transaction. But

pecunia, non tantum debet inspicere ad rei vel rerum substantiam quantum ad valorem: aliter enim aequitas non observetur" (p. 207). Godfrey of Fontaines, *Quodl.* V, q. 14, eds. M. De Wulf and J. Hoffmans (Louvain 1914), pp. 63–9: "et est dicendum quod videtur posse fieri conveniens aestimatio, non quidem omnimode aequalitatis rei ad rem secundum se" (p. 67). Thomas Aquinas, *Quodl.* VI, q. (5) 10, ed. Gauthier cit., vol. II, pp. 304–5; cf. Langholm, *Economics*, p. 225.

²⁶ Henry of Ghent, *Quodl.* I, q. 40, ed. Macken cit., pp. 227–8: "sicut faber potest carius vendere ferramentum quam emptum fuerit ferrum, vendendum super pretium ferri ipsum opus artis in ferro, sic mercator potest carius vendere merces translatae quam merces ipsae nuda emptae fuerunt"; cf. Langholm, *Economics*, pp. 256–8. This argument is adopted in other *quodlibeta*; cf. Raymond Rigaud, *Quodl.* I(III), q. 17, Padova, Biblioteca Antononiana 426, f. 2va: "mutata substantia, et valore, loco vel tempore, seu ementis industria vel labore, licet carius vendere, sine deceptione"; Peter of Trabibus, *Quodl.* II, q. 20, Firenze, BN, Conv. Sopp. D.6.359, f. 117va.

²⁷ Henry of Ghent, *Quodl.* I, q. 40, ed. Macken cit., pp. 228, 230; Richard of Menneville, *Quodl.* II, q. 23 (ed. Brescia 1591), pp. 65–6; John of Naples, *Quodl.* IV, q. 18, Napoli, BN, VII.B.28, f. 64va. Cf. Langholm, *Economics*, pp. 257–8 and 473–4.

in both cases the underlying idea is that the price of an object is heavily dependent on the economic use that individuals make of the object, or following Godfrey of Fontaines' words: "secundum quod in usum hominum <res> natae sunt venire."²⁸ Yet, it is difficult to establish whether one of the factors the master singled out during the public disputations (and in scholastic economics in general) prevailed over the others. Any conclusive statement on this issue would sound anachronistic; rather it seems that in the theologian's mind the value of a commodity had to be established by combining all these different criteria.

In practical terms the problem appears to be less complex, since the price fixed by the marketplace in normal competitive conditions was considered suitable to represent a balanced result of all these factors combined together. Common estimate (*communis aestimatio*) is the keyword adopted in *quodlibeta* in order to explain why free bargaining in the market tended to establish a value that was to be taken as the just price. For instance, it can be found in Servais of Mont-Saint-Eloi's disputation on credit sales of agricultural produce and in John of Naples' discussion on buying and selling. Godfrey of Fontaines fully states this principle both in his *quodlibet* on annuities (V, q. 14) and in that on sales with a deferred payment (III, q. 11); the price of a thing, says the secular master, must be evaluated "secundum communem consuetudinem aestimando."²⁹ Can such statements be considered proof that for scholastic masters the just price is nothing other than that provided by the suprapersonal forces of the marketplace? In recent years scholars have focused their attention on the concept of *latitudo*, a concept many theologians adopt to explain the reason why consistent price fluctuations, which are a

²⁸ Servais of Mont-Saint-Eloi, *Quodl.* I, q. 13, Paris, BNF, lat. 15350, f. 272ra. John of Naples, *Quodl.* IV, q. 18, Napoli, BN, VII.B.28, ff. 64vb–65ra. Henry of Ghent, *Quodl.* VI, q. 22, ed. Wilson cit., p. 207: "... licet in natura et essentia rei plus valet morbidus equus quam robustus asinus, ad usum tamen plus valet robustus asinus quam morbidus equus." Godfrey of Fontaines, *Quodl.* V, q. 14, eds. De Wulf and Hoffmans cit., p. 67. A similar conception can also be found in a question discussed by Thomas Aquinas, *Quodl.* I, q. (7) 14, ed. Gauthier cit., vol. II, p. 195; cf. Langholm, *Economics*, p. 232.

²⁹ Servais of Mont-Saint-Eloi, *Quodl.* I, q. 13, Paris, BNF, lat. 15350, f. 272ra. John of Naples, *Quodl.* IV, q. 18, Napoli, BN, VII.B.28, f. 64vb. Godfrey of Fontaines, *Quodl.* V, q. 14, eds. De Wulf and Hoffmans cit., p. 67; *Quodl.* III, q. 11, eds. M. De Wulf and A. Pelzer (Louvain 1914), p. 220; cf. Langholm, *Economics*, pp. 291–2.

consequence of free bargaining, do not endanger justice in exchange. In the flexible idea of "latitude," in which individual evaluation is combined with common estimate, scholastic economics finds a conceptual medium capable of integrating the uneven market exchange with the requirement for justice derived from Aristotle.³⁰

It is in a quodlibetal dispute dated to 1285 that the term *latitudo* is used for the first time in connection with the just price. Richard of Menneville says that justice in buying and selling can vary within a great latitude and that eventual fluctuations above or below the just price do not alter natural equity. In a few years *latitudo* became the main instrument employed in scholastic economics to describe the exchange process. The most relevant contributions, those of Peter John Olivi and John Duns Scotus, are not to be found in *quodlibeta*, although this notion quickly became popular in public disputations as well. Peter of Trabibus rejects a strict determination of the just price and, relying on Olivi, argues that it can fluctuate depending on the different values that buyers and sellers assign to a specific good. In the first decades of the fourteenth century, John of Naples is the first within the Dominican tradition to apply this flexible concept to just price determination, stating that "valor rei non est punctualis, sed latitudinem habet."³¹

³⁰ On the relevance of the concept of *latitudo* in the theological discussions of the just price, see J. Kaye, *Economy and Nature in the Fourteenth Century: Money, Market Exchange, and the Emergence of Scientific Thought* (Cambridge 1998), pp. 116–62. Kaye argues that through this concept scholastic thinkers were able to incorporate into the theological tradition principles and maxims, derived from Roman legislation and canon law, that led to a better understanding of the market mechanism. The standard references are to the principle of the *laesio enormis*, which rendered invalid only those sales in which the price diverged more than one half from the current market price, and to the legal maxim "res tantum valet quantum vendi potest."

³¹ Richard of Menneville, *Quodl.* II, q. 23 (ed. Brescia 1591), p. 67: "Non est tamen sic intelligendum, quod quantumcunque parvus excessus, vel precii ultra rem venditam, vel rei venditae ultra precium corrumpat aequitatem iuris naturalis, quare illa aequitas, qua debet observari inter vendentem, et ementem secundum veritatem iuris naturalis in magna latitudine consistit." It is likely that the notion of *latitudo* is derived from Peter John Olivi's writings on absolute poverty, since in 1283 Richard was a member of the commission that condemned such works; cf. D. Burr, *The Persecution of Peter Olivi* (Philadelphia 1976). Peter of Trabibus, *Quodl.* II, q. 20, Firenze, BN, Conv. Sopp. D.6.359, f. 117va; cf. S. Piron, "Le poète et le théologien: une rencontre dans le *studium* de Santa Croce," *Picenum Seraphicum* 19 (2000), pp. 87–134, esp. p. 100. John of Naples, *Quodl.* IV, q. 18, Napoli, BN, VII.B.28, f. 64vb; cf. Langholm, *Economics*, pp. 473–4. A thorough analysis of Olivi's and Scotus' contributions can be found in Kaye, *Economy and Nature*, pp. 123–7.

This brief overview would seem to confirm that scholastic masters considered to be just those prices that were the product of the marketplace. Yet, a *quodlibet* Godfrey of Fontaines debated in 1291 suggests a much more complex framework, since the concept of "latitude" is here used in connection with the issue of the life of poverty proposed by the mendicant orders. Indeed, recent studies show that, before being applied to free bargaining in the exchange process, *latitudo* is adopted to distinguish between what is necessary and what is superfluous in the discussions concerning absolute poverty. Although a full story of this concept would go back to earlier theological texts on the virtue of charity, it is to Olivi's discussions on *usus pauper* that one has to turn in order to find the origins of an idea of economic evaluation based on the flexible notion of latitude.³²

Since a poor way of life cannot be strictly determined, and notions such as necessary and superfluous vary according to objective and subjective factors, Olivi established a set of criteria that open the way to an interpretation of value based on approximation. To wear a wool-cloth, for instance, is consistent with *usus pauper* in freezing winter, whereas it turns into rich use (*usus dives*) in a warmer season. For those who come from the ranks of the aristocracy, to eat porridge may be compatible with the vow of poverty, but it could not be for those who are of peasant origins. Along with such a fluid concept of value based on *latitudo*, personal judgment and individual estimate are crucial elements of the discussion. Adhering to a well-established tradition that goes back to the monastic rules and the writings of the Gregorian reformers on ecclesiastical property, Olivi is able to fix a model of evangelical perfection: a friar who wishes to live according to poor use must devote himself to constant evaluation, becoming thus an expert judge of the value of material goods. The consequences of this approach are relevant since, as recent studies show, the criteria adopted by the Franciscan master

³² Godfrey of Fontaines, *Quodl.* VIII, q. 11, ed. J. Hoffmans (Louvain 1924), pp. 102–25; cf. Langholm, *Economics*, p. 290. Cf. Piron, "Perfection évangélique," pp. 117–20, and Todeschini, *I mercanti e il Tempio*, pp. 326–49. A systematic analysis of the many *quodlibeta*—I have counted eleven of them—that deal with the problem of charity and other virtues goes beyond the aim of this study; a brief overview of some of these *quodlibeta*, however, seems to confirm the presence of what Kaye has called the "*latitudo* language"; see, for instance, John Pecham, *Quodl.* II, q. 16, eds. Etzkorn and Delorme cit., pp. 107–9, or Roger Marston, *Quodl.* IV, q. 37, eds. Etzkorn and Brady cit., pp. 446–8.

in defining *usus pauper* flow into Olivi's description of lay economy, setting the rules that govern economic exchange.³³

Besides Olivi, traces of this complex pattern emerge also in other scholastic masters interested in economics, since the vast majority of them took part in debates over the mendicant way of life. The insistence on evaluation provided by experts may explain why in many discussions of buying and selling common estimate and market price are paralleled by the prices fixed by "wise and skilled merchants." It is easy to find references to the role of such experts in *quodlibeta*. For instance, Henry of Ghent describes the skilled merchant (*peritus*) as the expert who fixes the value of a good (*pretium certificare*) in the market; John of Naples states that in transactions, such as credit sales, in which equality is difficult to establish by free bargaining, the just price should be determined by some "good and wise men who are expert in such business."³⁴ Thus, in concluding, *quodlibeta* seem to show that the contributions on the just price were not influenced solely by Aristotle's model of commutative justice and by the understanding of the way the marketplace functioned. In order to provide a fuller picture of medieval economic thought, other elements, such as the discussions on absolute poverty, should also be taken into account.

³³ Cf. G. Todeschini, "Olivi e il *mercator christianus*," in *Pierre de Jean Olivi*, pp. 217–37; Piron, "Perfection évangélique," pp. 107–15. Such a radical interpretation of *usus pauper* is, beyond any doubt, at the heart of Olivi's thorough understanding of lay economic activities, but it is the Franciscan defense of absolute poverty in general that provides crucial concepts for scholastic economics. In this respect, writings such as those by Bonaventure of Bagnoregio and Hugh of Digne cannot be underestimated, since it is in their contributions devoted to what is superfluous to human need that one can find the roots of Olivi's economic analysis. See, for instance, Bonaventure of Bagnoregio, *De superfluo*, ed. E. Lio (Rome 1966), or Hugh of Digne, *Disputatio inter zelatorem paupertatis et inimicum domesticum eius*, ed. D. Ruiz, *AFH* 95 (2002), pp. 267–349. Traces of this influence can also be found in many *quodlibeta* discussed by Franciscan masters that deal with *usus pauper*, the idea of superfluous, or almsgiving; cf. John Pecham, *Quodl.* I, q. 32, eds. Etzkorn and Delorme cit., pp. 68–70; Raymond Rigaud, *Quodl.* I (III), q. 24, and *Quodl.* V(VII), q. 20, Padova, Biblioteca Antononiana 426, ff. 3ra–b and 16vb; Peter of Trabibus, *Quodl.* I, q. 31, Firenze, BN Conv. Sopp. D.6.359, f. 111rb–va; Roger Marston, *Quodl.* I, q. 28, and II, q. 36, eds. Etzkorn and Brady cit., pp. 76–80 and 309–11.

³⁴ Henry of Ghent, *Quodl.* I, q. 40, ed. Macken cit., p. 229; for a profound analysis of this discussion, see Todeschini, *I mercanti e il Tempio*, pp. 354–6. John of Naples, *Quodl.* XIII, q. 17, ed. O. Capitani, "La *venditio ad terminum*," p. 359: "... aut vendit eam pro aliquo magno precio determinato, quantum scilicet boni et prudentes viri et experti in talibus, in presenti, extimant quantum valere debeat in illo futuro tempore, pro quo venditur..."

The problem of usury, as one would expect, is frequently discussed during public debates and a good number of questions faced by the masters deal with this subject. The doctrinal aspects are analyzed in depth, especially by those theologians who play a role in the history of medieval economic thought: Thomas Aquinas, Henry of Ghent, Peter John Olivi, Godfrey of Fontaines, Giles of Rome, and Gerard of Siena. Is usury a sin? What is usury and in which types of contracts can it be found? In a loan, does the ownership of money transfer from the creditor to the debtor? Is it licit to lend without fixing an interest, hoping, nevertheless, to receive something beyond the capital borrowed? These are some of the questions that the audience commonly addressed to the theologians during the disputations.³⁵ If one takes these discussions as a part of an economic theory, it must be said that in the quodlibetal debates we can find all of the elements that are the basis of the so-called usury doctrine.³⁶

Starting from the end of the twelfth century, canonists and theologians developed a series of examples in order to prove on rational grounds that usury was against nature; during the thirteenth and fourteenth centuries these cases were widely discussed, rejected, and reformulated. A brief overview will show that the masters largely used these arguments in order to solve the questions that were raised during the quodlibetal sessions. The most traditional one, i.e. the sale of time case against usury, is discussed by Servais of Mont-Saint-Eloi, who seems to approve it, and Giles of Rome and Gerard of

³⁵ Examples of the first type of question are Ferrarius Catalanus, *Quodl.* II, q. 11, Paris, Bibliothèque Arsenal 530, f. 167vb; Alain Gontier, *Quodl.* I, q. 11, BAV, Vat. lat. 1086, f. 241v; Durand of St Pourçain, *Quodl.* II, q. 17, Paris, BNF, lat. 14572, f. 7va. The second question is, for instance, faced by Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., pp. 58–63; Godfrey of Fontaines, *Quodl.* XII, q. 13, ed. Hoffmans cit., pp. 125–7; and John of Naples, *Quodl.* XIII, q. 17, ed. O. Capitani, "La venditio ad terminum," pp. 357–9. On the third kind of question see John Pecham, *Quodl.* I, q. 31, eds. Etzkorn and Delorme cit., pp. 64–7; Godfrey of Fontaines, *Quodl.* IV, q. 21, eds. M. De Wulf and A. Pelzer (Louvain 1914), pp. 297–9; Godfrey of Fontaines, *Quodl.* XIII, q. 15, ed. J. Hoffmans (Louvain 1935), pp. 286–97; Roger Marston, *Quodl.* IV, q. 40, eds. Etzkorn and Brady cit., pp. 453–5. The last question is faced by Henry of Ghent, *Quodl.* VI, q. 26, ed. Wilson cit., pp. 233–44, Peter John Olivi, *Quodl.* V, q. 13, ed. Defraia cit., p. 327, Peter of Trabibus, *Quodl.* I, q. 39, Firenze, BN, Conv. Sopp. D.6.359, f. 112rb–va, Padova, Biblioteca Universitaria 694, f. 140r, Godfrey of Fontaines, *Quodl.* X, q. 19, ed. Hoffmans cit., pp. 398–406, and John of Châtillon, *Quodl.* I, q. 1, Paris BNF, lat. 15850, f. 34va; cf. Glorieux II, pp. 152–3.

³⁶ See Noonan, *The Scholastic Analysis*, pp. 38–81.

Siena who, instead, both firmly reject it.³⁷ The argument that states that in a loan property of money passes from the lender to the borrower, and that it is therefore illicit for the creditor to ask for interest (the so-called “ownership argument”), was treated by John Pecham, Roger Marston, and Raymond Rigaud.³⁸ The Aristotelian idea that money in itself is sterile in all its various versions (the proper “sterility of money argument,” the “non-deterioration argument,” and the “consumptibility argument”) is taken into account by many masters: Thomas Aquinas, Henry of Ghent, Peter of Trabibus, and Giles of Rome, just to mention a few.³⁹ The case of “economic duress” or “constrained volition” by which the theologians argue that the borrower does not fully consent to pay interest, is discussed by Godfrey of Fontaines, Peter John Olivi, Roger Marston and others.⁴⁰ Another question that one can find in quodlibetal collections has to do with profits derived from legitimate business but financed with usurious money, a subject named by scholars as the “root and tree argument”; whether these additional gains were to be restored to the

³⁷ Servais of Mont-Saint-Eloi, *Quodl.* I, q. 71, Paris, BNF, lat. 15350, f. 285vb; Giles of Rome, *Quodl.* V, q. 24 (Louvain 1646), pp. 336–9, esp. p. 338. On Gerard of Siena’s *Quodl.* I, q. 15.2, cf. Langholm, *Economics*, p. 553. See Noonan, *The Scholastic Analysis*, p. 58, and O. Langholm, *The Aristotelian Analysis of Usury* (Bergen et alibi 1984), pp. 111–28.

³⁸ John Pecham, *Quodl.* I, q. 31, eds. Etzkorn and Delorme cit., pp. 64–7; Raymond Rigaud, *Quodl.* III(V), q. 39, Padova, Biblioteca Antoniana 426, f. 12rb; Roger Marston, *Quodl.* IV, q. 40, eds. Etzkorn and Brady cit., pp. 453–5. Cf. Langholm, *Economics*, pp. 323 and 343; Noonan, *The Scholastic Analysis*, pp. 39–42; Langholm, *The Legacy of Scholasticism*, pp. 69–74.

³⁹ Thomas Aquinas, *Quodl.* III, q. (7) 19, ed. Gauthier cit., vol. II, p. 276: “Quedam uero res sunt quarum usus nichil est aliud quam consumptio ipsarum rerum, sicut pecunia qua utimur expendendo . . . Quia igitur usus rei non est separabilis ab ipsa re, quicunque uendit usum talium rerum retinendo sibi obligationem ad sortem reddendam, manifestum est quod uendit bis, quod est contra naturalem iusticiam, et ideo exigere usuram est secundum se iniustum”; cf. Langholm, *Economics*, p. 242. Henry of Ghent, *Quodl.* IV, q. 27 (ed. Paris 1518), f. 144v; cf. also *Quodl.* I, q. 39, ed. R. Macken (Leuven 1979), pp. 208–18, esp. p. 213. Peter of Trabibus, *Quodl.* I, q. 38, Firenze, BN, Conv. Sopp. D.6.359, f. 112rb, and Padova, Biblioteca Universitaria 694, ff. 139v–140r; Giles of Rome, *Quodl.* V, q. 24 (ed. Louvain 1646), pp. 336–9, esp. p. 337. Cf. Noonan, *The Scholastic Analysis*, pp. 38–39.

⁴⁰ Godfrey of Fontaines, *Quodl.* XIII, q. 15, ed. Hoffmans cit., pp. 291–2: “qui transfert pecuniam usurariam in alterum ex pacto, hoc non facit omnino involuntarie, sed aliquo modo facit involuntarie” (p. 287); cf. also *Quodl.* IV, q. 21, eds. M. De Wulf and A. Pelzer (Louvain 1914), pp. 297–9. Peter John Olivi, *Quodl.* IV, q. 16, ed. Defraia cit., p. 56. Roger Marston, *Quodl.* IV, q. 40, eds. Etzkorn and Brady cit., pp. 453–5. See also John Pecham, *Quodl.* I, q. 31, eds. Etzkorn and Delorme cit., p. 66. Cf. Langholm, *The Legacy of Scholasticism*, pp. 62–6.

debtor or not was a typical topic of the disputations. Thomas Aquinas, Giles of Rome, Raymond Rigaud, and even more minor masters as Eustache of Arras and Peter of Trabibus were asked to solve this problem and, following the standard doctrine, they all argued that restitution is not necessary, since these profits come from the industry of the lender.⁴¹

We can see a doctrinal approach to the problem of usury in the presence in quodlibetal texts of what scholars call "extrinsic titles to interest." Theologians used these titles—loss occurring (*damnum emergens*) and profit ceasing (*lucrum cessans*), that taken together will lead to the principle of *interesse*—in order to group under the same rational heading a series of cases in which taking a monetary compensation for a loan was not considered usurious. Scattered among the massive quodlibetal literature one can find some discussions dealing with these arguments. The most famous statement is by Peter John Olivi, who accepts *damnum emergens* and *lucrum cessans*, being thus the first theologian to stand in favor of both principles. Besides Olivi's contribution, other masters debated this problem: for instance, Henry of Ghent, who acknowledges under special circumstances the principle of "loss occurring"; Servais of Mont-Saint-Eloi who, on the contrary, seems to reject it. Some years later John of Naples seems to broaden these titles by adopting the term *interesse* to define the transfer, from the creditor to the borrower, of the economic loss deriving from the assignment of money that occurs in a loan.⁴² The

⁴¹ Thomas Aquinas, *Quodl.* III, q. (7)19, ed. Gauthier cit., vol. II, p. 276; Eustache of Arras, *Quodl.* I, q. 9, Paris, BNF, lat. 13466, f. 127rb; cf. Langholm, *Economics*, p. 322. Raymond Rigaud, *Quodl.* III(V), q. 39, Padova, Biblioteca Antoniana 426, f. 12rb; Giles of Rome, *Quodl.* VI, q. 22 (ed. Louvain 1646), pp. 426–8. On this topic, see also Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., p. 62; Peter of Trabibus, *Quodl.* I, q. 38, Firenze, BN, Conv. Sopp. D.6.359, f. 112rb and Padova, Biblioteca Universitaria 694, ff. 139v–140r.

⁴² Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., p. 62. Henry of Ghent, *Quodl.* XIV, q. 13 (ed. Paris 1518), f. 570r–v: "sed si quomodo liceret accipere ibidem aliquid ultra sortem, non video quod aliter possit accipi nisi sub ratione interesse tamquam a violento et iniurioso detentore rei alterius . . ." (f. 570r). Servais of Mont-Saint-Eloi, *Quodl.* I, q. 71, Paris, BNF, lat. 15350, f. 285vb; John of Naples, *Quodl.* X, q. 18, Napoli, BN, VII.B.28, f. 22rb: "... cum incurrit dampnum mutuans de mutuatione pecunie et ille cui mutuatur sponte vult tale dampnum subire, tunc enim mutuans licite accipit aliquid ultra pecuniam mutuatum non ut lucrum talis pecunie sed ut interesse." Cf. T.P. McLaughlin, "The Teaching of the Canonists on Usury (XIIth, XIIIth, and XIVth Centuries)," *Medieval Studies* 1 (1939), pp. 81–147; 2 (1940), pp. 1–22, esp. 1, pp. 144–7. Noonan, *The Scholastic Analysis*, pp. 115–32.

picture that one gets from this brief analysis seems to show that, while discussing issues on credit, the masters of the *quodlibet* followed a clear theoretical framework, the usury doctrine, and that quodlibetal disputes contributed to developing this doctrine.

Nevertheless one must stress that many of the questions on usury seem to be concerned, rather than with theory, with practical problems. Perhaps we should view this tendency as a consequence of the peculiarity of this theological genre. In commentaries on the *Sentences* and in *Summae theologiae* doctrinal elements could be dealt with more easily; in treatises devoted to economics specific cases could serve as examples of a more general doctrine; but in a quodlibetal session it was common for a master to face issues that came from everyday life. From this perspective, one should note that many of the questions on usury concerned topics that modern scholars tend to consider of “peripheral interest” to the study of medieval economic thought.⁴³ What are the rules to follow in order to make proper restitution of usurious profits? May a usurer use his money for almsgiving, and may an ecclesiastical institution accept such money? Is restitution necessary in order to obtain absolution from the sin of usury? Are the partners or the servants of a usurer bound to restore usurious gains?⁴⁴ These and other similar doubts were so common during the disputes that one should be careful in defining them as minor issues. Taking a close look at questions on absolution, restitution and almsgiving, it seems that the masters considered usury a complex social phenomenon. Economic theory, rather than being at

⁴³ This is what Odd Langholm commonly argues about *quodlibeta* on almsgiving, restitution, Church property, simony and similar topics; cf. Langholm, *Economics*, p. 342.

⁴⁴ Examples of the first type of discussions can be found in Raymond Rigaud, *Quodl.* IV(VI), q. 27, Padova, Biblioteca Antononiana 426, ff. 14vb–15ra; Giles of Rome, *Quodl.* II, q. 27 (Louvain 1646), pp. 115–17. Masters who are asked to solve the second kind of question are: Gerard of Abbeville in *Quodl.* VI, q. 13, Paris, BNF, lat. 16405, ff. 60vb–61rb; Raymond Rigaud in *Quodl.* V(VII), q. 18, Padova, Biblioteca Antoniana 426, f. 16vb; Godfrey of Fontaines in *Quodl.* XIII, q. 14, ed. Hoffmans cit., pp. 284–6; Guy of Cluny in *Quodl.* II, q. 3, Paris, BNF, lat. 15850, ff. 40vb–41ra; Giles of Rome, *Quodl.* II, q. 26 (ed. Louvain 1646), pp. 113–15. The third subject is dealt with by Durand of St Pourçain, *Quodl.* II, q. 17, Paris, BNF, lat. 14572, f. 7va, and Guy Terrena, *Quodl.* IV, q. 11, edited in B. Xiberta, *Guia Terrena* (Barcelona 1932), pp. 319–20; cf. also John Pecham, *Quodl.* I, q. 35, eds. Etzkorn and Delorme cit., pp. 70–3. For a good example of the last type of question see Peter John Olivi, *Quodl.* IV, q. 17, ed. Defraia cit., pp. 262–4.

the center of the debates, is often used as a tool to give a rational answer to social concerns and conflicts that credit activities generated within the community. We see a good example of these concerns in the opening question (of a series of four) that Durand of St Pourçain devotes to usury. Rather than defining it as a specific contract—the case is a sale of a public office in exchange for a loan—the Dominican friar describes usury as an economic habit that disturbs the social equilibrium of a civic community.⁴⁵

The terms adopted during quodlibetal disputations are somehow revealing of this approach. In many questions the object under discussion is not usury as such (*usura*), but usurers (*usurarii*) and usurious money (*pecunia usuraria*). On the contrary, we find very few cases in which the term *usura* is connected to other subjects, such as clerics, private citizens, money-changers or merchants.⁴⁶ It is relevant to note that *mercatores* involved in credit activities, who are thus considered merchant-bankers, are commonly seen as the positive counterpart of *usurarii*: Raymond Rigaud argues that *pecunia usuraria* is the opposite of money invested "in the affairs of a businessman"; Peter John Olivi says that money lent by a merchant-banker is no longer a sterile object, such as money lent by a usurer, but becomes productive capital; John of Naples declares that buying and selling on credit is not usury according to the judgment of good and wise merchants.⁴⁷

⁴⁵ Durand of St Pourçain, *Quodl.* II, q. 14, Paris, BNF, lat. 14572, f. 6vb. Cf. Glorieux II, pp. 70–5; Langholm, *Economics*, pp. 480–6. On the concept of usury as it emerges in the context of the theological discussions on restitution of ill-gotten gains and almsgiving, see G. Ceccarelli, "L'usura nella trattatistica teologica sulle restituzioni dei *male ablata* (XIII–XIV secolo)," in *Credito e usura*, Varanini, Quaglion and Todeschini, eds., pp. 3–23. Cf. also McLaughlin, "The Teaching of the Canonists," II, pp. 1–22.

⁴⁶ A good example is provided by those *quodlibeta* devoted to money-changing in which the *campsores*, even when involved in credit activities, is never compared to the professional usurer; cf. Henry of Ghent, *Quodl.* VI, q. 22, ed. Wilson cit., pp. 203–10, esp. p. 209, and Servais of Mont-Saint-Eloi, *Quodl.* I, q. 26, Paris, BNF, lat. 15350, f. 274vb–275ra. One gets a similar impression comparing Olivi's attitude on usury in connection of trade activities (I, q. 17) with his opinion on the issue in the context of restitution (IV, q. 17); cf. ed. Defraia cit., pp. 60–1 and 262–4.

⁴⁷ Raymond Rigaud, *Quodl.* V(III), q. 39, Padova, Biblioteca Antoniana 426, f. 12rb; for an English translation of this passage, see Langholm, *Economics*, p. 343. Peter John Olivi, *Quodl.* I, q. 17, ed. Defraia cit., pp. 60–1: "quia iste <qui erat inde mercaturus> sua pecunia habet iam rationem capitalis." John of Naples, *Quodl.* XIII, q. 17, ed. in O. Capitani, "La *venditio ad terminum*," p. 359: "precium quod nunc extimatur a bonis et prudentibus et expertibus in talibus quantum res debeat tunc valere."

In quodlibetal texts, illicit loans on interest are thus often seen in connection with a specific social category, namely the professional money-lender. A point that historians of economic thought sometimes seem to forget is that this social type was not at all a mystery in late-medieval cities. So we can imagine that, when students raised questions about usurers, all the participants in the disputation had clearly in mind who the object of the discussion was. In *quodlibeta* explicit references to this category are common. For instance, Godfrey of Fontaines and Eustache of Grandcourt were asked to give their opinion on the controversial issue of the money-lending activity conducted by the Lombards in the Kingdom of France.⁴⁸ When Durand of St Pourçain debated the proper rules for restitution (1312–13), insisting on the public character of professional money-lenders, he followed a well-established tradition fixed in Giles of Lessines' and Alexander of Alessandria's treatises on usury. But even before this tradition was set, as a question faced around 1266 by Gerard of Abbeville suggests, the difference between those who occasionally lent on interest and notorious usurers was a problem relevant enough to be discussed during the disputations.⁴⁹

From this perspective, quodlibetal literature reflects a precise trend in ecclesiastical legislation and scholastic thought on usury. From the Third Lateran Council (1179) to the Council of Vienne (1311–12), the popes promulgated a series of norms in which usury was not only defined in technical-juridical terms, but also—and perhaps, mainly—as an anti-social activity. The main target of ecclesiastical

⁴⁸ Eustache of Grandcourt, *Quodl.* III, q. 5, Paris, BNF, lat. 15850, f. 37b. Godfrey of Fontaines, *Quodl.* XII, q. 9, ed. Hoffmans cit., pp. 114–18, relying on canon 26 (*Usurarum voraginem*) of the Second Council of Lyons (1274), establishes a clear distinction between native usurers (*oriundi de terra*), who can be tolerated since they do not transfer wealth outside the country, and foreign usurers (*alienigenae*), who must be expelled since they impoverish the kingdom. A similar distinction can also be seen in John of Naples' *Quodl.* X, q. 18, Napoli, BN VII.B.28, f. 22va–b.

⁴⁹ Durand of St Pourçain, *Quodl.* II, qq. 15–16, Paris, BNF, lat. 14572, ff. 6vb–7va; Gerard of Abbeville, *Quodl.* VI, q. 13, Paris, BNF, lat. 16405, ff. 60vb–61rb; cf. Langholm, *Economics*, p. 280. See also Olivi, *Quodl.* IV, q. 17, ed. Defraia cit., pp. 263–4, in which the public character of a money-lender (*usurarius notorius*) becomes the main element in order to decide whether or not a notary who has drawn up a usurious contract is considered an accomplice of the usurer. The issue of public restitution of money and almsgiving from notorious usurers is discussed by several theologians during the last quarter of the thirteenth century and the first decade of the following century; cf., for instance, Giles of Lessines, *De usuris* (ed. Parma 1864), pp. 431–6, and Alexander of Alessandria, *De usuris*, ed. Hamelin (Louvain 1962), pp. 186–211.

condemnation became the professional usurer (either Jew or Christian), for the public character of his money-lending activity was seen as an open threat to the model of society and economy propounded by the Church.⁵⁰

In the last quarter of the thirteenth century, a specific type of contract—which scholastic thinkers called *contractus bursalis* or *emptio redditus* (and later *contractus censualis* or simply *census*) and historians name “annuity” or “life rent contract”—was at the center of the quodlibetal sessions held in Paris. A real quarrel among the masters arose, and the prevailing genre adopted to discuss the legality of this contract was the *quodlibet*. The problem is a well-known one, since many researchers have gone deeply into this quarrel, so I will limit myself to a brief overview.⁵¹ In the late Middle Ages it was common for the owner of a piece of land, of a dwelling, or of a mill to sell it in return for a certain sum of money. At the same time,

⁵⁰ Canon 25 of the Third Lateran Council, later included in the *Liber Extra* of Pope Gregory IX (X. 5.19.3), defines the category of notorious usurers as those “who pass over other professions to devote themselves to the business of usury” and orders that they must be excluded from the community, until they restore the money illicitly extorted. Constitution 67 of the Fourth Lateran Council (1215), also included in the *Liber Extra* (X. 5.19.18), establishes a strong link between Jews and usury, and states that Christians must abstain from business with Jews. Constitutions 26 and 27 of the Second Council of Lyons (1274) are both included in the *Liber Sextus* by Pope Boniface VIII (VI. 5.5.1–2); the first one defines “known usurers” as foreigners and non-residents who publicly practice usury and obliges local authorities to expel from their lands such professional money-lenders; the second, by setting the rules for restitution of usurious profits, confirms and extends the exclusion of notorious usurers from the community. Decree 29 of the Council of Vienne, included in the Clementines by Pope John XXII (Clem. 5.5.1), reinforces this exclusion through the threat of excommunication and, furthermore, establishes a relation between usury and heresy. All of these canons, constitutions and decrees can be read in an English translation in Gilchrist, *The Church and Economic Activity*, pp. 173, 182–3, 194–6, 206. For a general interpretation of such norms and for their influence on canon lawyers and theologians, see McLaughlin, “The Teaching of the Canonists,” II, pp. 1–22; Gilchrist, *The Church and Economic Activity*, pp. 66, 108–10; Todeschini, *Il prezzo della salvezza*, pp. 187–91. From such a perspective the analysis of the usury doctrine provided by scholars only concerned with theoretical elements seems feeble and, perhaps, should be compared with the analysis of those who have tried to explain this doctrine taking into account the social and economic context of the late Middle Ages; see, for instance, R. de Roover, *Business, Banking, and Economic Thought in Late Medieval and Early Modern Europe*, J. Kirshner, ed. (Chicago 1974).

⁵¹ Noonan, *The Scholastic Analysis*, pp. 154–70; Veraja, *Le origini della controversia*, pp. 49–82 and 125–46; Langholm, *Economics*, pp. 272–5, 281–2, 287–8, 292–4, 325–7, 339–41; J. Kaye, *Economy and Nature*, pp. 101–15; Todeschini, *I mercanti*, pp. 127–31 and 425–9.

the new owner gave the seller the usufruct of the same land, house, or mill that he had sold for a variable period of time, paying in exchange an annual revenue. This kind of obligation, known as *contractus praedialis*, was very similar to another one—the *contractus bursalis*—in which the object of the transaction was the revenues, either in fungible goods or in cash, that came from a piece of land, a dwelling or a mill. In this case the buyer, in return for a certain sum of money, acquires the right to receive every year a fixed amount of grain or money for a variable period of time. Both contracts were, in fact, a form of loan on interest, an easy way for a person in need to get a ready sum of money by giving in exchange a yearly payment.⁵²

As is well known, the only theologian who openly declared this contract usurious was Henry of Ghent, who in a question dating 1276 established a very detailed and well-grounded comparison between *mutuum* and *contractus bursalis*.⁵³ Nevertheless, all the other masters rejected Henry's thesis and gave a solution to the problem that would be crucial for future developments in late-medieval economic thought. The standard argument used in order to declare that the *census* contract was licit is grounded in the difference between money (*pecunia*) and the right to receive money (*ius*); therefore, the transaction is not to be considered a loan on interest but a simple sale of this right. Gerard of Abbeville, who discussed the problem before Henry of Ghent started the quarrel, and Matthew of Aquasparta, who faced the question shortly afterwards, introduced the idea that the contract should be viewed as a sale.⁵⁴ Servais of Mont-Saint-Eloi and Richard of Menneville, following this argument, focused their contribution on the object of the sale and established the crucial dis-

⁵² See the classic study by B. Schnapper, *Les rentes au XVI^e siècle. Histoire d'un instrument de crédit* (Rennes-Paris 1957), and Veraja, *Le origini della controversia*, pp. 14–19. For a recent discussion of this subject see the classic studies by O. Kremer, *Der Rentenkauf im mittelalterlichen Köln* (Würzburg 1936), B. Schnapper, *Les rentes au XVI^e siècle. Histoire d'un instrument de crédit* (Rennes-Paris 1957), and Veraja, *Le origini della controversia*, pp. 14–19. Cf. also B. Clavero, *Usura. Del uso económico de la religión en la historia* (Madrid 1984), pp. 38–59.

⁵³ Henry of Ghent, *Quodl.* I, q. 39, ed. Macken cit., pp. 209–18. This position is confirmed in a public discussion held by the secular master in the following year; see *Quodl.* II, q. 15, ed. G.A. Wilson (Leuven 1987), pp. 96–101. Cf. Veraja, *Le origini della controversia*, pp. 55–62; Langholm, *Economics*, pp. 272–5.

⁵⁴ Matthew of Aquasparta, *Quodl.* I, q. 9, edited in Veraja, *Le origini della controversia*, pp. 201–3; cf. Langholm, *Economics*, pp. 325–7, and Veraja, *Le origini della controversia*, pp. 69–73.

inction between *pecunia* and *ius percipiendi pecuniam*.⁵⁵ Bernard of Trilia, Godfrey of Fontaines, Giles of Rome and all the masters who would later debate the *emptio redditus*, either in quodlibetal questions or in other literary forms, would adopt this argument.⁵⁶ Even Henry of Ghent, in a question dating to 1288–89, would be forced to follow the mainstream of the dominant position.⁵⁷

Although accurate, this brief overview sheds light only on the technical medium (i.e. the distinction between money and the right to receive it) through which the masters solved the problem raised by Henry of Ghent—a solution that, as Odd Langholm argues, would in a short time lead late-medieval economic thought to “the demise of the Aristotelian theory of money.”⁵⁸ In order to understand, however, the reason why such a change was possible we have to leave Aristotle aside and focus on the Christian tradition. From this perspective, there are at least three elements that should be taken into account.

⁵⁵ Servais of Mont-Saint-Eloi, *Quodl.* I, q. 25, edited in Veraja, *Le origini della controversia*, pp. 203–4: “. . . non dantur decem pro uiginti, secundum quod uidentur aliqui dicere, sed pro indeterminato, siue pro iure percipiendi redditus ad uitam istius . . .” (p. 203); cf. Langholm, *Economics*, pp. 283–8, and Veraja, *Le origini della controversia*, pp. 101–6. Richard of Menneville, *Quodl.* II, q. 23 (ed. Brescia 1591), pp. 67–70; cf. Langholm, *Economics*, pp. 339–41, and Veraja, *Le origini della controversia*, pp. 111–23.

⁵⁶ Bernard of Trilia, *Quodl.* IV, q. 7, edited in Veraja, *Le origini della controversia*, p. 205; cf. *ibid.*, pp. 123–4. Godfrey of Fontaines, *Quodl.* V, q. 14, eds. De Wulf and Hoffmans cit., pp. 64–6; cf. Langholm, *Economics*, pp. 293–4, and Veraja, *Le origini della controversia*, pp. 131–43. In a later *quodlibet* the secular master extends the same principle to the sale of an outstanding debt; see *Quodl.* XII, q. 13, ed. J. Hoffmann (Louvain 1932), p. 126: “In tali enim contractu non traditur pecunia immediate pro pecunia . . . sed pro quodam iure ad quamdam pecuniam habendam.” Giles of Rome, *Quodl.* V, q. 24 (ed. Louvain 1646), pp. 336–9, esp. p. 339; cf. Veraja, *Le origini della controversia*, pp. 143–6. Besides *quodlibeta*, other relevant contributions to the quarrel are works by Giles of Lessines and Bernard of Auvergne, in the thirteenth century, and those by Alexander of Alessandria, Francesc Eiximenis, Ramon Saera, Bernat de Puigcercós, Henry of Hesse and Henry of Oyta in the fourteenth century. Cf. Noonan, *The Scholastic Analysis*, pp. 154–64; Veraja, *Le origini della controversia*, pp. 83–100 and 151–62; R.J. Puchades i Battaller, *Als ulls de Déu, als ulls dels homes. Estereotips morals i percepció social d’algunes figures professionals en la societat medieval valenciana* (Valencia 1999), pp. 101–16.

⁵⁷ Henry of Ghent, *Quodl.* XII, q. 21, ed. J. Decorte (Leuven 1987), pp. 109–15: “Et sic dando talia non dat pecunia principaliter, quae est res quaedam corporalis, sed potius ius percipiendi pecuniam, quod est res incorporalis . . .” (p. 112). The secular master had already started to slightly modify his position in an earlier question discussed in 1284; cf. *Quodl.* VIII, q. 24 (ed. Paris 1518), f. 333v; cf. Veraja, *Le origini della controversia*, pp. 73–82 and 125–31.

⁵⁸ Langholm, *Economics*, p. 275.

First of all one must recall that this and other similar forms of credit were commonly used by churches, monasteries, and clerics in order to fulfil their economic needs.⁵⁹ A clear reference to this argument may be found in Gerard of Abbeville's *quodlibet* on annuities; one of the main reasons adopted to show the lawfulness of such a contract is the material benefit that this transaction provides to ecclesiastical institutions.⁶⁰ The secular master applies to the *census* contract a thesis commonly adopted in the discussions concerning benefices: increase of wealth is not to be blamed if it corresponds to the economic necessities (*providentia*) of a church, or of a cleric. The underlying principle is clearly that of the inalienability of ecclesiastical property, and thus the quarrel over annuities can be considered an extension to laymen of an economic model originally conceived for the clergy.⁶¹

The second point is in many ways related to the first. From the second half of the twelfth century, ecclesiastical legislation and canon lawyers tended to leave out from the prohibition of usury several forms of credit that can be considered the prototype of the annuities. Fiefs and ecclesiastical tithes could lawfully be given as security for a loan even if the revenues derived from such pledges were not deducted from the capital borrowed. These exceptions to the general doctrine of usury (known as *feuda*, *stipendia cleri*, *venditio fructus*) were possible because, according to the canonists, through such arrangements the Church was able to recover its patrimony or to preserve its belongings. Although in an early period these exemptions were considered a special privilege in favor of ecclesiastical institutions, in the mid-thirteenth century, the possibility that these principles could be extended to laymen as well had several supporters. Furthermore,

⁵⁹ Cf. for instance G. Constable, *Monastic Tithes from their Origins to the 12th Century* (Cambridge 1964).

⁶⁰ Gerard of Abbeville, *Quodl.* XI, q. 17, edited in Veraja, *Le origini della controversia*, p. 199: "quia ex huiusmodi contractu magnum commodum et magnam utilitatem reportant ecclesie, recipiendo pecuniam insimul pro pretio uenditionis; quia illa pecunia in multiplicem potest utilitatem conuerti ecclesie . . ."; cf. Langholm, *Economics*, pp. 281–2; Veraja, *Le origini della controversia*, pp. 52–5; Todeschini, *I mercanti e il Tempio*, p. 130. A similar position can also be found in Godfrey of Fontaines and in a question discussed by Thomas of Bailly around 1306. Godfrey of Fontaines, *Quodl.* V, q. 14, eds. De Wulf and Hoffmans cit., pp. 68–9; Thomas of Bailly, *Quodl.* V, q. 11, ed. P. Glorieux (Paris 1960), pp. 399–405. Cf. also Henry of Ghent, *Quodl.* XII, q. 21, ed. Decorte cit., p. 110.

⁶¹ John Pecham, *Quodl.* I, q. 32, and III, q. 18, eds. Etzkorn and Delorme cit., pp. 68–70 and 166–7; Richard of Menneville, *Quodl.* III, q. 20 (ed. Brescia 1591), p. 118.

relevant notions were introduced during these discussions such as the distinction between *dominium directum* and *dominium utile*, or between *ius* and *fructus*. Thus, several decades before the quarrel over annuities began, canon law commentators seemed to provide a conceptual framework within which the later discussion could develop.⁶²

Last but not least, the context of the cultural climate in which the dispute took place should also be taken into account. Scholars tend to forget that many of the masters who discussed the *census* contract were also involved in the controversy over mendicancy: Gerard of Abbeville, Matthew of Aquasparta, Henry of Ghent, Richard of Menneville, just to name a few. Whether they stood in favor of voluntary poverty or they harshly attacked it, those thinkers all had to face the wide-ranging problem of the economic significance of the term *ius* arising from the quarrel over evangelical perfection. By simply taking a glance at the questions devoted to this issue—for instance those of Henry of Ghent, Godfrey of Fontaines, Peter of Trabibus and Roger Marston—one recognizes how greatly voluntary poverty contributed to the development of a complex vision of individual rights and material rights.⁶³

There is no evidence that the idea that the use and ownership of money may in some cases be separated, implicitly hinted by several Franciscan masters, had an influence on the discussion on annuities. This relation would become explicit only a few years later in Gerard Odonis' treatise on contracts. Yet, it is hard to believe that a vision of the economy centered on the difference between property and use, conceived as rights that any individual may exercise over material goods, did not have an impact on the distinction between money

⁶² See for example the decretals *Plures clericorum* and *Conquestus feudi* of Pope Alexander III, and later included in the title *de usuris* of the *Liber Extra* (X 5.19.1 and X 5.19.8), both of which had a relevant impact on the canonistic and theological discussions on this subject. The best overview is still McLaughlin, "The Teaching of the Canonists," I, pp. 126–7 and 134–6; see also Veraja, *Le origini della controversia*, pp. 27–47. For the passage of these conceptions from canon lawyers to quodlibetal disputes, see for instance Raymond of Peñafort, *Summa de poenitentia*, eds. X. Ochoa and A. Diez (Rome 1976), cols. 423–4, with John Pecham, *Quodl.* I, q. 25, eds. Etzkorn and Delorme cit., pp. 55–6.

⁶³ See for example Henry of Ghent, *Quodl.* VII, q. 29, ed. G.A. Wilson (Leuven 1991), pp. 278–309, and *Quodl.* XII, q. 29, ed. J. Decorte (Leuven 1987), pp. 188–249. Godfrey of Fontaines, *Quodl.* VIII, q. 11, ed. Hoffmans cit., pp. 102–25, esp. p. 114. Peter of Trabibus, *Quodl.*, I, q. 31, Firenze, BN, Conv. Sopp. D.6.359, f. 11rb–va. Roger Marston, *Quodl.* I, q. 28, eds. Etzkorn and Brady cit., pp. 76–80.

and the right to receive money.⁶⁴ The difficulties in adopting standard arguments against usury (like those of the transferal of ownership and of consumability) met by Godfrey of Fontaines, during a question dated 1296, may perhaps be indicative of this influence. The secular master is forced to condemn the payment of interest on the basis of the lack of consent by the borrower, since he admits that the ownership of a thing (*possessio*) does not always coincide with the right (*ius*) that a person has over such thing. From this perspective, the right to use (*ius utendi*) proposed by the Franciscan friars appears to be a pervasive concept in late-medieval economic thought, a corrosive principle that in the long run would undermine the Aristotelian assumption that money is a barren object.⁶⁵

The picture that emerges from this overview is rather complex and certainly cannot be considered conclusive, but perhaps it may suggest some new directions to follow in future research. *Quodlibeta* are indeed a source of great relevance for the history of economic ideas, yet in order to respect the specificity of this genre, scholars should not approach these writings as they do any other literary text. Since the discussions were the combined results of the masters' intellectual talent and the audiences' concerns, the context in which the disputes took place must also be investigated. We have seen that what I have called "external factors," such as the economic and social milieu,

⁶⁴ Gerard Odonis, *Tractatus de contractibus*, Escorial, BConv. S.Lorenzo ms. D.III.12, f. 8v: "Sed clarum est quod ego possum habere ius recipiendi aliquos redditus, quos tamen nunquam recipiam, cum secundum illam decretalem, de verborum significatione, 'Exiit qui seminat' [VI° 2.5.112], usus fructus possit a dominio perpetuo separari et usus simplex in aliquos transferri, in quos tamen ius percipiendi, nec dominium potest aliquo modo transferri." For the relevance of Franciscan conceptions of poverty in scholastic thought in general, see A.S. Brett, *Liberty, Right and Nature. Individual Rights in Late Scholastic Thought* (Cambridge 1997). For the influence on economics see the classic study by P. Grossi, "Usus facti. La nozione di proprietà nella inaugurazione dell'età nuova," *Quaderni Fiorentini* 1 (1972), pp. 287–355, and the recent contribution by G. Todeschini, *Ricchezza francescana. Dalla povertà volontaria alla società di mercato* (Bologna 2004).

⁶⁵ Godfrey of Fontaines, *Quodl.* XIII, q. 15, ed. Hoffmans, cit., pp. 291–2: "Ulterius est considerandum quod in re aliqua potest aliquis habere possessionem sine iure, dominio et proprietate; et e converso" (p. 287); cf. Langholm, *Economics*, pp. 292–3. In another extremely interesting question—which Langholm does not take into account—the secular master seems to tie together the issues of voluntary mendicancy and annuities, by discussing whether a friar may receive an annual revenue without breaking the vow of absolute poverty; Godfrey of Fontaines, *Quodl.* X, q. 16, ed. Hoffmans cit., pp. 388–91.

seem to have an influence on the doctrinal content of the *quodlibeta* and that differences between positions cannot be ascribed to theory alone. Thus, a parallel analysis of doctrines and economic practice, by focusing on specific subjects, thinkers, places or periods, would certainly provide a better understanding of the quodlibetal discussions. In this respect, *quodlibeta* could also offer much information to economic historians and become a source of primary importance in order to clarify the impact of moral economy on everyday life.

Even regarding the realm of economic theory, however, this overview suggests some final observations. Rather than supporting an interpretation that considers scholastic thought to be the birth-place of a modern vision of economics, *quodlibeta* seem to reflect a non-systematic, and yet much richer, vision. By extending the analysis from those few discussions in which a clear theoretical approach emerges to the massive number of disputes apparently devoted to issues of peripheral interest, the scholastic attitude towards economic phenomena appears in all its complexity. I have limited my analysis to a few examples and a lot of work is still to be done, yet the interaction between the principles developed during the mendicant controversy or those inherited from earlier discussions on ecclesiastical properties, on the one hand, and the discussions on economics in a strict sense, on the other, is clear in many respects and should not be underestimated. Furthermore, such interaction suggests that the central position that many scholars assign to Aristotle should be at least partially reconsidered and that greater attention should be given to the economic concepts rooted in the Christian tradition.

WAS THE EYE IN THE TOMB?
ON THE METAPHYSICAL AND HISTORICAL INTEREST
OF SOME STRANGE QUODLIBETAL QUESTIONS

Jean-Luc Solère

Theatrical license, no doubt, when a gravedigger, of an eristic disposition, finding himself questioned in a cemetery by a tormented prince of Denmark, was free to embark on this little game:

Hamlet: What man dost thou dig it for?

First Clown: For no man, sir.

Hamlet: What woman, then?

First Clown: For none, neither.

Hamlet: Who is to be buried in't?

First Clown: One that *was* a woman, sir; but, rest her soul, she's dead.

Hamlet: How absolute the knave is! We must speak by the card, or equivocation will undo us.¹

It is not known in which manual of dialectics Shakespeare found the argumentation of his irritating gravedigger,² but being the Renaissance man that he was, he was taking up an old medieval puzzle here, tied to the Aristotelian theory of the equivocation between a dead body and a living body. The gravedigger does not state a sophism; he is speaking according to the strict meaning of the terms (that which Hamlet underscores by declaring him “absolute”): the mortal coil that is going to be buried is no longer man or woman, because it is no longer a human being, but the remains of what was a human being. This semantic purism, somewhat pedantic, will clearly remind medievalists of a certain number of disputed questions that concern the status of Christ, and especially his body, during the three days of his death. Three quodlibetal questions treated by Thomas Aquinas are particularly well known—we will return to them.

¹ *Hamlet*, act 5, scene 1, H. Jenkins, ed., *The Arden Edition of the Works of William Shakespeare* (London-New York 1982), pp. 383–4.126–34.

² This riddle was itself preceded by an exchange, occurring between Hamlet and the erudite gravedigger, that strongly resembled a *sophismata* exercise.

Well known, but in general, little appreciated. Was what befits a gravedigger in need of tricks worthy of engaging the best minds of the Middle Ages? A number of disputes appear to be devoid of all interest, such as the very one that Thomas Aquinas had to confront: was the eye of the dead Christ truly an eye? It is difficult not to cast doubt on the value of this genre of literature. Was the eye in the tomb? Such questions may have a sort of Shakespearian or Hugolian poetic quality, but—on the surface—hardly any philosophical or theological pertinence. What was the point for the medievals in spending their time on these problems? Was this affair of the eye worthy of so many battles?

The medieval *quaestiones* often present the modern reader with a problem of readability, and this is particularly true of quodlibetal disputes, where the freedom to ask the master about any subject whatsoever led to some rather surprising question titles in certain cases. If we do not grasp what is at stake, if we do not understand the ins and outs of the problems, it is because we no longer possess the code that determines their selection and treatment.³ Scholastic thought is, as its name indicates, a thought of the school, which developed in a extremely homogenous *milieu* in terms of its institutional framework, its own technical language, its references, and its methods of teaching and investigation. Quite often, the problems are not formulated in abstract terms and in the most general way. Their discussion occurs through the study of multiple “cases,” a little like in medical or legal studies which require confronting situations having an exemplary value (moreover, the *disputationes* that the civil lawyers employed from the second quarter of the twelfth century seem to be the model that the other disciplines followed).⁴ Further, these case studies can only be understood via their scholastic back-

³ See for instance the rough appreciation of Hauréau and Duhem (“philosophie de pourceaux”) concerning certain questions of MS Paris, BNF, lat. 16089, whereas they are anchored in the tradition of Aristotelian *Problemata* and Salernitan natural questions; see A. de Libera, *Penser au Moyen Âge* (Paris 1991), p. 57 and n. 1, pp. 361–2. Some of them are quodlibetal questions, but they fall outside of the scope of our discussion, because they were held in the arts faculty; see O. Weijers, *La ‘disputatio’ à la Faculté des arts de Paris (1200–1350 environ)* (Turnhout 1995), pp. 106–8, and eadem, *La ‘disputatio’ dans les Facultés des arts au Moyen Âge* (Turnhout 2002), pp. 52–8.

⁴ See H. Kantorowicz, “The *Quaestiones disputatae* of the Glossators,” *Tijdschrift voor Rechtsgeschiedenis (Revue d’Histoire du Droit)* 16 (1939) (pp. 1–67), pp. 1–6, 19–21, 51–65.

ground. Their selection and their discussion are highly referential, most frequently in an implicit manner. Not everything in them had to be made explicit because, on the one hand, they rested on a linguistic and theoretical *koinè*, and on the other, before leaving the written traces that remain for us, they were conducted orally and depended on a transmission, likewise oral, all the sources of which had developed elsewhere (in magisterial lectures and ordinary questions). The texts of *auctores* constitute the chief source whence the questions spring and whither without cease they tacitly return. The treatment of cases takes into account the analyses of predecessors and contemporaries, which one either responds to or builds on in a manner that is elusive for us, but which must have been clear at the time. In scholastic practice, the interpretative layers (for example, biblical authority, Augustinian exegesis, the *Sentences* of Peter Lombard, commentaries on the *Sentences*) accumulate without being replaced, conferring considerable historical depth on the debate. Furthermore, although each layer carries the traces of the preceding ones, the references, both silent and obligatory, do not always appear at the same place, but constitute a stock of arguments capable of being inserted in many places. Such a discussion could be shifted around and end up being grafted, like a rapidly growing offshoot, onto another question.

Thus medieval argumentative logic is governed by an intertextuality that it is our duty to disentangle.⁵ A “case” functions as the reference to a thesis or to a *dossier* supposed to be well known by all, in this university world where the culture was extremely uniform. This simple indicator immediately provides a doctrinal background from which the problem being treated derives its meaning and its importance. In order to overcome their disconcerting strangeness, the *quaestiones* should be decrypted, in their very formulation, in relation to an underlying referential network, in a manner that recovers their context, the stakes, their sense and their pertinence. To distinguish between the essential and the accidental purely on the basis of the resonances that these investigations have or do not

⁵ I endeavored to give an example of this in a study (J.-L. Solère, “La logique d’un texte médiéval: Guillaume d’Auxerre et la question du possible,” *Revue Philosophique de Louvain* 98.2 [2000], pp. 250–93), from which I am reprising the current methodological considerations.

have with our own surely leads to committing an anachronism, at the expense of a fair appraisal of the importance of medieval thought, or even of its relevance for today's philosophy.

*All Sorts of Repairs:
Resurrection and the Problem of Identity and Continuity*

The most trivial-sounding questions can actually hide the most interesting issues. For example, the problem of the metaphysical status of the individual could be approached from various angles, which make use of the mechanism that I just described. Take q. 27 of Henry of Ghent's *Quodlibet* III: "Utrum mulier viro semel mortuo et resurgenti in aliquo plus obligatur matrimonialiter quam alteri."⁶ Behind this statement, rather Rabelaisian in appearance,⁷ what is at stake, as the second argument *quod non* reveals, is the problem of personal identity after resurrection: "Item animae post separationem in corporis resurrectione non est eadem unio, qui non eodem instanti facta, ergo nec idem unitum, et sic non est idem homo numero, sed alter a priori." If the man who returns to life is not the same man, the woman who was his wife obviously no longer has obligations to him. Likewise, Henry explored a variant of this problem in q. 37 of his *Quodlibet* I: "Utrum religiosus mortuus resurgens teneatur ad pristinum votum."⁸ Here again, if the individual who is revived is

⁶ In Henry of Ghent, *Quodlibeta*, ed. I. Bade (Paris 1518; reprint Louvain 1961), vol. I, f. 87r-v (Lent 1278 or 1279); for the dating of Henry's questions, see R. Macken, "Introduction," *Henrici de Gandavo Quodlibet I*, ed. R. Macken (Henrici de Gandavo Opera Omnia, 5) (Leuven-Leiden 1979), p. XVII, and Porro's chapter above.

⁷ This is even more clear in Rainier de Clairmarais (De Marquette), *Quodl.* II, q. 6 (1300-01, Glorieux II, p. 255): "Quidam uxoratus moritur; postea resurgit et recognoscit uxorem suam; utrum peccet cognoscendo eam actu fornicatorio."

⁸ Advent 1276, ed. Macken cit., pp. 205-7. Giles of Rome, who treated the same question and discusses Henry's response, rightly draws a parallel between this case and that of the husband who returns to life: *Quodl.* V, q. 26 (1290, Glorieux I, p. 145): "Utrum religiosus resuscitatus ad hanc mortalem vitam per divinam potentiam teneatur adhuc religionem reintrare," in *Quodlibeta*, ed. P.D. De Coninck (Louvain 1646; reprint Frankfurt am Main 1966), pp. 342-3. See also Gerard of Abbeville (†8 November 1272), *Quodl.* XVI (after Lent 1270, Glorieux I, p. 124; II, p. 92), q. 3: "Posito quod monachus moriatur et resurgat, utrum teneatur redire ad claustrum," q. 4: "Utrum episcopus resuscitatus possit redire ad episcopatum suum"; Roger Marston, *Quodl.* IV, q. 33 (Lent 1284); cf. *Quodlibeta quatuor*, eds. G.F. Etzkorn and I.C. Brady (Quaracchi 1968), p. 69*: "Utrum religiosus resuscitatus teneatur redire ad religionem" (eds. Etzkorn and Brady cit., pp. 438-9).

not exactly the same one as before, he is released from the commitments that he had undertaken. *A contrario*, the argument that Henry makes once again clearly reveals the connection to personal identity: all religious vows depend essentially on the vow of obedience, which subjects the rational part of the soul; now if the man dies, the sensitive powers are destroyed, but not the rational power: “propter quod remanet illud, quod est principale in tali voto: semper ergo remanet ibi obligatio.”⁹ This rational part certainly remains the same through resurrection. Fundamental personal identity persists, and consequently so does the commitment.

What “complex of questions and responses” (to use R.G. Collingwood’s expression, so favored by Alain de Libera)¹⁰ lies at the origin of such case studies? What are the problems that lie behind these *quaestiones*, whose theses have significance only inasmuch as they are “reactivated as ‘correct responses’ to questions that have become epistemically opaque, that is, inaccessible”?¹¹ The dogma of the Resurrection lay exposed to doubts based on Aristotelian principles, as the censure of 1277 attests.¹² A famous passage in *De generatione et corruptione*¹³ teaches that material substances cannot, when undergoing universal change, be regenerated after their corruption: at least, they will no longer be the same numerically, but only specifically, that is, according to their essence but not according to their individuality. This thesis rests on the idea that individuality is not limited to the

⁹ Giles of Rome, *Quodl.* V, q. 26, ed. De Coninck cit., p. 342.

¹⁰ See A. de Libera, *L’Art des Généralités* (Paris 1999), p. 624ff.

¹¹ De Libera, *L’Art des Généralités*, p. 629.

¹² Art. 17 in D. Piché, *La Condamnation parisienne de 1277* (Paris 1999), p. 84 (= art. 215 in R. Hissette, *Enquête sur les 219 articles condamnés à Paris le 7 mars 1277* [Louvain-Paris 1977], p. 308): “Quod non contingit corpus corruptum redire idem numero, nec idem numero resurget”; cf. Piché, art. 18 (Hissette art. 216): “Quod resurrectio futura non debet concedi a philosopho, quia impossibile est <cam> inuestigari per rationem.—Error, quia etiam philosophus debet captiuare intellectum in obsequium fidei.” Cf. Boethius of Dacia, *De aeternitate mundi*, ed. N.G. Green-Pedersen (Boethii Daci Opera, VI, pars II) (Copenhagen 1976), p. 351.424–5: What the Christian faith proposes, namely that “homo mortuus redibit vivus sine generatione et idem numero,” philosophy, as such, can neither demonstrate nor admit (*ibid.*, p. 351.427–8; see also p. 352.448–60, p. 353.476–84, p. 365.815–25). Similarly, see *Quaestiones super libros Physicorum* III, ed. G. Sajó (Boethii Daci Opera, V, pars II) (Copenhagen 1974), p. 275.

¹³ Aristotle, *De generatione et corruptione* II, 338b12–17; Anonymi translatio, ed. J. Judycka (AL 9.1) (Leiden 1986), p. 81.7–13: “. . . utrum similiter omnia reiterant aut non, sed hec quidem numeri, hec autem specie solum . . . corruptibilis <substantia>, necesse specie, numero autem non reiterare. Ideo aqua ex aere et aer ex aqua specie idem, non numero.”

substantial form but includes matter¹⁴ and the accidents¹⁵ that characterize it. Even if one departs from the natural cycle and supposes a divine intervention *ex omnipotentia*, such as the Resurrection, it is tempting to transpose the same statement: although God reconstitutes bodies with the same souls that they possessed before, in many cases it is doubtful (as Porphyry had shown)¹⁶ that each individual would have exactly the same matter as before, and exactly the same collection of accidents. In this case, it will only be exactly *the same* by formal identity, as in the case of Theseus' ship after all the planks have been replaced.

As a result, theologians tried to redefine what provides a being with fundamental identity. Regarding the accidents, Thomas Aquinas for instance states that the fundamental identity of a being depends on the *suppositum*: as long as its identity is preserved, so is that of the entire being (this notion will be essential in the debate concerning the body of Christ), and the accidents do not have to be the same.¹⁷ But regarding matter, the problem is more tricky. In order to speak of resurrection, as John of Damascus defines it, an absolute identity

¹⁴ Cf. Aristotle, *Metaphysica* V, 1016b32–33; translatio Guillelmi de Moerbeka, ed. G. Vuillemin-Diem (AL 25.2) (Leiden-New York-Köln 1995), p. 102.284: “<unum> numero quidem quorum materia una”; cf. Thomas Aquinas, *In Boethii De Trinitate*, q. 4, a. 2, arg. 1, ed. Leonine, 50 (Rome-Paris 1992), p. 122.

¹⁵ See Aristotle, *Topica* I, c. 7, 103a29–39; translatio Boethii, ed. L. Minio-Paluello (AL 5.1–3) (Brussels-Paris 1969), p. 13.7–15. Cf. Porphyry, *Isagoge* II, c. 15, V, c. 11: what designates the individual (*atomon*) is a particular collection (*athroisma*) of accidental characteristics that is not found in any other. Cf. Boethius, *In Porphyrii Isagogen commentarium, editio prima et secunda*, eds. G. Schepps and S. Brandt (CSEL 48) (Vienna 1906), *ed. prima* I, c. 16, pp. 45.17–46.4, *ed. secunda* IV, c. 1, p. 241.9 (“Ea vero quae individua sunt et solo numero discrepant, solis accidentibus distant”), p. 271.18. Furthermore, these accidental differences (and thus individuality itself) lead back to the presence of matter in each individual, which by its nature is the principle of chance and change, of infinite individual variations, while the form always remains one and identical to itself. Also, according to Avicenna, the principle of the unity of particular substance is found in accidents and external dispositions: quantity, quality, place and time (*Liber de philosophia prima*, V, cc. 2, 4, and 7, in Avicenna, *Liber de philosophia prima sive scientia divina V–X*, ed. S. van Riet [Louvain-Leiden 1980]).

¹⁶ Cf. Augustine of Hippo, *De Civitate Dei* XXII, c. 12, eds. B. Dombart and A. Kalb (CCSL 48) (Turnhout 1955), pp. 831–3.

¹⁷ Thomas Aquinas, *Quodl.* XI, q. 6, a. unic., *Sancti Thomae de Aquino Quaestiones de quolibet*, 2 vols., ed. R.-A. Gauthier (ed. Leonine, 25) (Rome-Paris 1996), vol. I, p. 161.50–4: “Non enim dicimus idem numero illud quod habet idem accidens nunc et postea et idem proprium; set illud est idem numero quod est idem cum accidente et idem cum proprio, sicut cum subiectum est idem cum accidente, proprio et diffinitione, et non illa quae habent idem accidens, idem proprium et unam diffinitionem.”

is required, a new union of the soul with the same body, including the same matter it owned.¹⁸ This is why Eustache of Arras points out in his *Quodlibet* III that we may perhaps imagine that God recreates the same body *numero* by recreating the same matter *ex nihilo*, but not that He recreates the same body from other matter (“ex aliis pulveribus”), because, he says commenting on Damascenus’ definition of resurrection, “this would not be a resurrection properly speaking, rather it would be a new union of soul with body, but not with the same body numerically.”¹⁹ This corresponds to the traditional view expressed by William of Auvergne:

If a house were built from numerically other planks and stones, with the form remaining numerically the same, it is obvious that it would be a house other than the one before. I mean, numerically other. And this would be merely because of the different materials. Hence, a human being would be numerically other on account of the otherness or diversity of the body . . . Nor could the unity or identity of the form prevent the numerical diversity.²⁰

On the contrary, another native of Auvergne, Peter, will claim in his *Quodlibet* I, following Giles of Rome, that the identity of the form, i.e. of the soul, suffices to grant the identity of the whole.²¹ Matter

¹⁸ John of Damascus, *De fide orthodoxa*, c. 100 (= IV, c. 28), translatio Burgundii, ed. E.M. Buytaert (St. Bonaventure, NY-Louvain-Paderborn 1955), pp. 377.5–378.14: “Resurrectio enim est secunda eius quod cecidit surrectio. Animae enim immortales existentes, qualiter resurgent? Si enim mortem determinant: separationem animae a corpore, resurrectio omnino est copulatio rursus et animae et corporis, et secunda eius quod dissolutum est et cecidit animalis resurrectio. Ipsum igitur corpus quod corrumpitur et dissolvitur, ipsum resurget incorruptibile. Non enim impossibile est ei, qui in principio ex pulvere terrae ipsum constituit, rursus dissolutum est et reuersum in terra ex qua sumptum est secundum conditoris enuntiationem, rursus resuscitare ipsum.”

¹⁹ Eustache of Arras, *Quodl.* III, q. 2 (Advent 1266, Glorieux II, p. 79) (“Si corpus aliquod esset resolutum in cineres vel pulveres, utrum adueniente tempore resurrectionis posset Deus illud corpus idem numero reparare et restituere ex aliis pulveribus”), ed. H.J. Weber, in idem, *Die Lehre von der Auferstehung der Toten in den Haupttraktaten der scholastischen Theologie* (Freiburg-Basel-Wien 1973), pp. 370–1: “esse idem numero concernit idem materiam propriam et eandem formam . . . Si tamen illi pulveres, in quod resolutum est corpus, cederent in nihilum, posset Deus eodem numero recreare et ex illis idem corpus numero reparare. Similiter si maneant, potest idem corpus numero reformare ex illis, sed non ex alienis . . . proprie non esset resurrectio, sed esset iterata unio animae cum corpore, sed non cum eodem corpore numero.”

²⁰ William of Auvergne, *De anima*, c. 2, part 1, in *Opera omnia* (ed. Rouen 1674), p. 73a, trans. R.J. Teske, in William of Auvergne, *The Soul* (Milwaukee 2000), pp. 65–6.

²¹ For all of this, see Weber, *Die Lehre von der Auferstehung der Toten*, pp. 235 sq.

being nothing by itself, pure potentiality, it will be the same numerically if the form is the same, because it has no determination of its own; there is no difference between this or that portion of prime matter, it can become the same constituent as before as long as it is informed exactly in the same way, and there will be reformation not of a similar individual but of an exactly identical one.²² This is an idea that, about the same time, John (Quidort) of Paris phrases thus: if at the Resurrection Peter's soul had to inform Paul's ashes, this would produce not Paul, nor a hybrid of Paul and Peter, nor a different Peter, but numerically the same Peter that was before.²³ This is one of the theses for which he was charged and had to clear himself.²⁴

John Quidort and Peter of Auvergne say so with a Thomistic background: the beginning of the latter's answer is a vigorous plea in favor of the unicity of substantial form, on the ground that mat-

²² Peter of Auvergne, *Quodl.* I, q. 19 (1296, Glorieux I, p. 258) ("utrum sit de necessitate resurrectionis quod resurgens assumat materiam eandem quam prius habuit"), in Weber, *Die Lehre von der Auferstehung der Toten*, p. 375: "materia in resurgente erit eadem numero in actu, quam per se informat eadem forma substantialis, undecumque veniat, quoniam materia de se non est eadem numero in actu vel plures, sed in potentia tantum." Cf. Giles of Rome, *Theoremata de corpore Christi* (ed. Rome 1554), prop. 43: "Non enim per se est <materia> tanta et tanta ut multa vel pauca, nec per se occupat tantum et tantum locum ut magnum vel parvum: materia enim per se est pura potentia, quicquid actualitatem aliquam vel distinctionem importat, non habet materia de se, sed acquirit illud ut est sub tali forma accidentali vel substantiali"; idem, *De resurrectione* (ed. Naples 1545), q. 1: "Tertio quia agens divinum immediate dat esse et nihil praesupponit in sua actione, non solum ex eadem materia vel ex alia, sed etiam ex nihilo poterit formam eadem numero reficere. Nam cum possit ex nihilo aliquod materiale producere, et quod facit ex una materia, possit ex qualibet facere, poterit etiam ex nihilo idem numero reficere. Deus ergo ex eadem materia et ex alia et ex nihilo potest eadem corpora numero restaurare."

²³ John (Quidort) of Paris, *IV Sent.*, d. 45, in Weber, *Die Lehre von der Auferstehung der Toten*, p. 377: "si anima Petri in resurrectione acciperet cineres Pauli, adhuc tamen idem esset Petrus in numero propter unitatem formae. Et hoc apparet sic: Constat, quod materia corporis erit resoluta totaliter in primam materiam, in qua non est maior habitudo ad istam animam quam ad illam . . . Ideo ex unitate formae erit unitas in numero"; *ibid.*, d. 49, p. 380: "Ubi ergo est eadem forma numero, ibi est idem esse . . . Ideo non obstante diversitate materiae erit idem homo in numero. Diversitas enim materiae numquam facit diversitatem in numero . . ." It appears that questions in *Sentences* commentaries, like the present one, may be inspired by quodlibetal questions, as James of Viterbo's one on the same subject (see below).

²⁴ Cf. P. Glorieux, "Un Mémoire justificatif de Bernard de Trilia," *Revue des sciences philosophiques et théologiques* 17 (1928), pp. 407–15; J.-P. Müller, "A propos du Mémoire justificatif de Jean Quidort," *RTAM* 19 (1952), p. 348 sq.; idem, "La date de la lecture sur les *Sentences* de Jean Quidort," *Angelicum* 36 (1959), p. 146 sq.

ter is in itself devoid of any form or determination whatsoever. But perhaps they drew a clear-cut conclusion that had remained more undetermined in Aquinas, who sometimes gave hints that could support the opposite conclusion. For instance he makes this distinction: “si tota materia simul amittat speciem ignis, et alia materia convertatur in ignem, erit alius ignis numero. Si vero paulatim combusto uno ligno, aliud substituatur, et sic deinceps quousque omnia prima consumantur, semper remanet idem ignis numero, quia semper quod additur transit in preexistens.”²⁵ Now, the case considered by Eustache and Peter in resurrection is similar to the first example, and therefore this compels us, it seems, to reckon a numerical difference to be unavoidable when there is a discontinuity.²⁶ The second example, on the contrary, is similar to the well-known problem of nutrition and growth, in which identity is also at stake but with somewhat looser constraints. In that case the difficulty of the persistence of individuality with respect to the unceasing renewal of matter in the body is generally answered by the famous distinction of “caro secundum materiam” et “caro secundum formam,” borrowed from *De Generatione* I, c. 5 (321b19–22). Whereas matter is flowing away in a permanent flux (loss of matter because of heat, provision of new matter through nutrition), form is stable. For Aristotle, in the process of augmentation of a being (which by definition is a change affecting simultaneously all its parts: 321a19–20) its form ensures the permanency of its identity through the incorporation of new matter and the growth of its parts (321b22–24). For instance, when a hand grows, all its parts grow proportionally, so that the nature of the hand remains the same (321b28–29), and it is the form that defines this proportion with fixity. Through the perpetual flux of matter, the form is therefore like a container, remaining identical to itself, but the content of which is unceasingly renewed (321b24–25). But obviously the Stagirite did not think this could apply when the substantial

²⁵ Thomas Aquinas, *Summa theologiae* I, q. 119, a. 1, ad 5, ed. Leonine, 12 (Rome 1906), p. 571.

²⁶ See also Thomas Aquinas, *Quodl.* VIII, q. 3, a. un. (Lent 1257: “Utrum aliquid convertatur in veritatem humanae naturae”), ed. Gauthier cit., vol. I, pp. 64b–65a: “nec desinit esse idem homo numero propter permutationem que est secundum materiam <in nutritione> quia non tota materia simul a forma abstrahitur ut alia tota simul formam accipiat (haec enim generatio esset et corruptio sicut si totus unus ignis extingueretur et alius totus accenderetur)” — which on the contrary is precisely what is supposed to happen, in Eustache and Peter’s discussions.

form itself changes according to a process of corruption and generation: indeed he says that when, for example, in the cycle of the natural transformation of elements, some water is changed into air and that air is changed back into water, the resulting water is not the same as the one at the outset of the process. Although the return to water supposes a prior corruption of the substantial form of air and an ideal reduction to the pure potentiality of prime matter (all the more so as the point here is about elements and there is no lower substantial form), the reintroduction of the substantial form of water does not amount to the reproduction of the same mass of water. An identical substance cannot be re-engendered when the existence of the compound form/matter is interrupted. Even putting aside the question whether form can subsist apart from matter, the sameness of the form is not the sameness of the whole of which it is a constituent, and it cannot prevent identity from being lost in discontinuity.

However, Aquinas himself does not hesitate to draw a parallel between resurrection and what happens in nutrition.²⁷ And, in his own words, the *esse* of the human soul is the *esse* of the compound, so that the *esse* of the compound is safeguarded even while the body is dissolved, and is given back when the body is restored.²⁸ John Quidort only falls in behind him in this radicalization of the primacy of form over matter (at least in the case of the human soul), when he says that Peter could be reproduced unchanged with Paul's ashes (Thomas does not tackle exactly the same case). Or, as Peter of Auvergne explains it, the form remaining the same, its re-embodiment will reconstitute the same being because, actually, the form by itself makes the *suppositum*.

This allows one to overcome discontinuity, but it may result in a fading away of the individualizing role of matter.²⁹ Literally, matter

²⁷ Thomas Aquinas, *Summa contra Gentiles*, IV, c. 81, 4, ed. Leonine, 15 (Rome 1930), p. 254a. See also Descartes, *Letter to Mesland*, 6 February 1645, in *Œuvres*, eds. C. Adam and P. Tannery (Paris 1964), vol. IV, pp. 166–7.

²⁸ Thomas Aquinas, *Summa contra Gentiles*, IV, c. 81, 3, ed. cit., p. 254a “Unde et esse suum non est solum in concretionem ad materiam. Esse igitur eius, quod erat compositi, manet in ipsa corpore dissoluto; et reparato corpore in resurrectione, in idem esse reducitur quod remansit in anima.”

²⁹ “. . . alienitas formae facit alienitatem materiae . . . Ergo si sit eadem forma numero, erit et eadem materia numero, ergo et idem corpus et idem homo numero,”

makes no difference; given that the matter of Paul's and Peter's body is interchangeable, it is consequently not a principle of distinction between them.³⁰ If we admit as non-contradictory the interchangeability of their ashes at the Resurrection, do we not also have to admit that God can miraculously do the same thing while they are still alive? It is not, therefore, matter that differentiates Paul from Peter. It may remain that Paul is not a "man in general" because human form is here informing some matter. Nevertheless, beyond being a "non-universal," his singularity (the fact that he is Paul and not Peter) is not that of that compound that once resulted from the encounter of that soul and that matter, but rather the individuality of the form itself and by itself. The delicate balance between form and matter in the individuation of substances looks disrupted.³¹ Admittedly, Aquinas says in his *Quodlibet* XI that it is not bare matter that individualizes, but matter under determined dimensions.³²

says the anonymous commentary on the *Sentences* in MS Brügge, Stadtbibliothek 491. See also James of Metz, *IV Sent.*, d. 44, ed. Weber, *Die Lehre von der Auferstehung der Toten*, p. 386: "Sed materia trahit totam suam unitatem ex forma; ergo si est eadem forma, et eadem materia. Modo, si anima Petri resumat corpus quod fuerat Pauli, est eadem forma, ergo et idem corpus et per consequens idem Petrus. . ."

³⁰ James of Metz, *IV Sent.*, d. 44, ed. Weber cit., p. 386: "materia corporis Pauli facta resolutione, cum sit pura potentia, non habet habitudinem ad unam formam quam ad aliam. Ergo sicut ista materia fecisset unum in esse secundum numerum si fuisset iuncta animae Petri, ergo erit idem Petrus numero et secundum animam et secundum corpus. Item, materia secundum suam essentiam non habet unitatem vel distinctionem numeralem. . ."

³¹ Cf. this objection in James of Metz, *IV Sent.*, d. 44, ed. Weber cit., p. 386: "...realis compositio est in isto individuo. Sed forma per se non facit compositionem. Ergo praeter formam materia facit ibi aliquam diversitatem." Note that John Quidort, however, distinguishes (*IV Sent.*, d. 45, in Weber, *Die Lehre von der Auferstehung der Toten*, p. 382) on the one hand the "causa individuationis" which is about "fieri" (the constituting of the substance), and which is *materia signata*, according to the traditional account, and on the other hand, the cause of "individuum esse," once the being is constituted, and which is no longer matter—as is visible, according to John, in some phenomena where matter continuously flows away while identity is preserved, for instance growing up ("planum est quod continue fit deperditio et continue fit per alimentum restauratio, ita quod tandem est devenire ad statum in quo nihil est de materia quae prius erat in puero," p. 380) or a lasting flame: "Videmus enim quod materia, quae principium fuit individuationis, totaliter corrupta, remanet individuum quoad individuum esse, ut patet in sene et puero et in igne" (p. 382). But these two examples are beside the point: it is the continuity of the process of growing up or burning that allows the permanence of identity through the replacement of matter; but what if there is discontinuity?

³² Thomas Aquinas, *Quodl.* XI, q. 6, ad 2 (Lent 1259: cf. ed. Leonine cit., p. IX*), ed. Gauthier cit., vol. I, p. 161b: "Ad secundum dicendum quod licet

However, these dimensions cannot be maintained in matter under different substantial forms throughout a series of corruptions and generations: how could matter remain determined, *signata*, when separated from the substantial form, since quantity, as an accidental form, depends on the latter and is corrupted with it?³³ And even if it does, the final interchangeability proves that the soul alone gives these dimensions and thus unity to matter and individuality to the compound. Of course, in his own defense John Quidort rightly claims that he did not say that Peter's soul could be resurrected in Paul's *body*. Quite the contrary, he taught that Peter will be resurrected in his own body precisely because, wherever its matter will come from (his own ashes, someone else's ashes, new matter created *ex nihilo*), since it is undetermined by itself, it will become Peter's body by the very fact that it is informed by Peter's soul.³⁴ But the logic of his investigation leads him away from the more traditional position

eadem materia faciat idem numero, non tamen materia nuda, † nec que facit principium in numero †, set una materia, secundum quod est sub dimensionibus terminantibus ipsam, facit idem numero; unde, licet multae formae reiterentur in materia corporis resurgentis, tamen resurget corpus sub eisdem dimensionibus et cum eisdem principiis essentialibus."

³³ See this remark in the anonymous Brügge commentary: "Ad primum respondent quidam [probably Giles of Rome, or Aquinas in his *Commentary on the Sentences*] quod secundum Commentatorem in materia remanent dimensiones interminatae, ratione quarum habet distinctionem et habitudinem ad corpus sive animam. Sed tunc sunt hic tria dubia. Primum est, utrum dimensiones maneat. Secundum est, dato quo maneat, utrum in actu vel potentia. Tertium est, cum sint interminatae, quare magis ad istam quam ad aliam" (ed. Weber, *Die Lehre von der Auferstehung der Toten*, p. 384). It is certainly the impossibility of figuring out a way to circumscribe a portion of matter in the absence of substantial form that led this generation at the end of the 13th/beginning of the 14th century to make the whole identity depend on the form alone. But cf. the objection mentioned by James of Metz: in the process of generation, the same matter that was in the corrupted thing is now in the generated thing, although the same form does not remain; "ergo materia habet aliquam unitatem quam non habet a forma" (ed. Weber, *Die Lehre von der Auferstehung der Toten*, p. 386).

³⁴ "Si anima Petri resurgeret in corpore Pauli, resurgeret idem Petrus numero.— Non dixi, immo contrarium, scilicet quod nullus resurget nisi in proprio corpore, eodem numero quod fuit prius; nec aliter esset idem homo, nec vera resurrectio. Dixi tamen quod beato Petro poterit reddi idem corpus numero quod prius habuit, de materia propriorum pulverum, vel de materia pulverum cuiuscumque alterius corporis, vel etiam de materia de novo tunc creata, et erit semper idem corpus et idem homo propter formae identitatem; licet secundum ordinem divinae iustitiae teneri debeat quod unicuique corpus proprium idem quod prius reddetur de eadem materia quae prius fuit sub actu animae, ut dicit Tho(mas), Petrus et Bonaventura. Hanc quaestionem disputavit frater Egidius, et ego sequor eum, una cum praedicis; quod patet in reportationibus" (in Glorieux, "Un mémoire," p. 411).

expressed by James of Viterbo when, facing the same question ("Utrum, si anima in resurrectione resumeret alios cineres, esset idem homo numero qui prius fuit") in his *Quodlibet* I, he notes that if it is the form that makes a thing be a whole endowed with perfection, it is nevertheless matter that is the cause of singularity and numeric unity, and so in this respect the same man numerically could not be recreated with different matter.³⁵

Moreover, supposing that the exact same matter could be found again, it seems that the very fact that the constituents are recast entails that a brand new individual is produced. For instance, if one melts a wax figurine and then reforms it, does it remain identical?³⁶ Does not its being remade suffice for us to speak of another figurine, in all respects absolutely similar, perhaps, but still not metaphysically the same (different regarding the *suppositum*)? According to Aristotle's famous example, if the health that is regained after a sickness could be the same accident as the health before the sickness, then "the same thing will be capable of multiple deaths and existences"³⁷—

³⁵ James of Viterbo, *Quodl.* I, q. 21 (1293, Glorieux I, p. 216, II, pp. 144–6), *Disputatio prima de quolibet*, ed. E. Ypma (Würzburg 1968), p. 227: "Primo igitur modo accipiendo unum numero <i.e.: ratione singularitatis tantum, ut quia est hoc et singulare>, materia est causa unitatis numeralis, et non forma. Illud enim est causa unitatis numeralis hoc modo, quod seipso est hoc et alia per ipsum. Materia autem est huiusmodi. Cum enim sit receptaculum omnium aliorum et in alio non recipitur, seipsa est hoc et unum numero singularitate. Accipiendo vero unum numero secundo modo, scilicet ratione perfectionis et totalitatis, forma est causa unitatis numeralis, et non materia." Hence the conclusion: "Si vero accipiat unum numero ratione singularitatis, sic esset secundum aliquid numero idem, secundum aliquid vero non idem . . . Quia vero materia, dimensionibus subiecta, non est eadem, et huiusmodi materia facit unitatem singularitatis, ita quod in aliis ab homine, quorum forma non est subsistens, est tota causa singularitatis; in homine vero, cuius forma, scilicet anima rationalis, per se subsistere nata est, materia non est tota causa singularitatis in composito. Ideo secundum materiam, non est homo idem numero" (*ibid.*, p. 229).

³⁶ Augustine backs a positive answer: *Enchiridion*, c. 89 (PL 40, col. 273).

³⁷ Aristotle, *Physica* V, c. 4, 228a3–19; translatio vetus, eds. F. Bossier et J. Brams (AL 7.1–2) (Leiden-New York 1990), pp. 204–5. Cf. Henry of Ghent, *Quodl.* VII, q. 16 (1282), ed. G.A. Wilson (Henrici de Gandavo Opera Omnia, 11) (Leuven 1991), pp. 113–14: "sed de eodem numero est summa dubitationis, non ex parte materiae, neque Dei agentis, sed ex parte transmutationis qua de potentia materiae forma iterato educenda est quae cum non potest esse eadem numero cum illa quae primo fuit in esse producta, quia non potest esse in eodem tempore, non videtur posse eadem forma numero reparari, iuxta illud quod hic determinat Philosophus circa sanitatem prius corruptam et postmodum regeneratam, quod 'non possit reparari eadem numero nisi fuerit repetita eadem transmutatio numero', quod est 'omnino impossibile' ut ibidem dicit Commentator <*In II De gen. et corr.*, com. 70, Iunt. vol. V, f.389E>."

which is impossible, according to him. The only way to solve this difficulty, according to some scholastics, will be to endorse the radical view that time and temporal continuity (*duratio*) have nothing to do with the essence and identity of a thing, and that, to be considered the same, a thing does not have to exist continuously: God could make a numerically identical being exist in two discontinuous moments, whatever the length of the intermediate period of non-existence might be.³⁸

Thus the insistent questioning of the schoolmen on such topics as the Resurrection exposes the fundamentals of their ontology to broad daylight. Speaking only of *quodlibeta*, some pose this problem of identity directly, in clear terms,³⁹ but others, like those concerning the

³⁸ Cf. John Duns Scotus, *Ordinatio* IV, d. 43, q. 1, nn. 4–5, ed. Vivès (Paris 1894), vol. XX, p. 7a–b: “Si Deus in hoc instanti *A*, et in toto tempore medio, usque ad *B*, et in instanti *B*, conservaret istud esse, concederet quod esset omnino idem numero; ergo si in *A* conservaret, et iterum in instanti *B*, et in tempore intermedio *esse* non conservat, adhuc erit idem, et tamen erit interruptum in tempore intermedio. Probatio consequentiae, quia identitas illius *esse*, ut est in *B*, ad se ipsum, ut est in *A*, non dependet essentialiter ex conservatione pro tempore illo medio, quia neque ut a causa formali, neque ut a causa essentiali . . . illud *esse* manet idem in quibuscumque instantibus succedentibus, ergo sive fiat continuatio inter illa instantia sive non, non minus ipsum *esse* poterit esse idem.” Bonaventure (*IV Sent.*, d. 43, a. 1, q. 4) already wrote that “discontinuatio in esse non inducat diversitatem in numero”: *Opera theologica selecta*, ed. minor, vol. IV (Quaracchi 1949), p. 878a–b, and Richard of Menneville (Middleton) (*IV Sent.*, d. 43, a. 1, q. 2) that time does not belong to the essence of things: “Nec obstat quod illud tempus quod fuit ante sui corruptionem non potest idem in numero reduci, quia ipsum tempus, nec quando ex ipso derelictum fuit, fuit de essentia rei”: *Commentum super quartum Sententiarum* (Venice 1499), f. 257aE. But this seems difficult to reconcile with a favorite argument: if the soul were perishable, “non suscitaretur, sed alia anima de novo crearetur.” Aquinas himself, however, after having sustained in his *Sentences* commentary (IV, d. 12, q. 1, a. 2, q. 4) that “Quod in nihilum redactum est, non potest iterum idem numero sumi,” modified his position in the same direction: “Quaedam enim sunt quorum unitas in sui ratione habet durationis continuitatem, sicut patet in motu et tempore; et ideo interruptio talium indirecte contrariatur unitati eorum secundum numerum . . . Alia vero sunt quorum unitas non habet in sui ratione continuitatem durationis, sicut unitas rerum permanentium, nisi per accidens, in quantum eorum esse subiectum est motui . . . Deus potest reparare huiusmodi et sine motu, quia in eius potestate est quod producat effectus sine causis mediis; et ideo potest eadem numero reparare, etiamsi in nihilum elapse fuerint”: *Quodl. IV*, q. 3, a. 2, ed. Gauthier cit., vol. II, p. 325a–b.

³⁹ In addition to James of Viterbo's *Quodl. I*, q. 21 (see above n. 35), Thomas' *Quodl. XI*, q. 6: “Utrum corpus resurgat idem numero” (see above n. 32), Eustache's *Quodl. III*, q. 2, and Peter of Auvergne's *Quodl. I*, q. 19 (see above n. 22), one can also point to those of Ranulph of Houblonnière, *Quodl. II*, q. 19 (Lent 1275, Glorieux I, p. 266): “Utrum idem homo in numero possit resurgere, hoc est utrum eiusdem hominis in numero fit resurrectio”; Godfrey of Fontaines, *Quodl. VI*, q. 16 (Advent

resurrected husband we mentioned, by Henry of Ghent or Giles of Rome, treat it in an oblique fashion, by way of a specific case. The difficulty is moved to the consequences that stem from one position or the other (that is, identity or non-identity) concerning conjugal or religious duties. Henry discusses the argument of the non-identity of the resuscitated husband in depth.⁴⁰ Even if he thinks, for other reasons, that the spouse would no longer have any obligation strictly speaking towards him, he reminds us that it is contrary to the Catholic faith, which holds that the man who dies and is resuscitated is numerically the same man; and, in any case, if one takes "union" in the sense of what results from the act of uniting, it must be said that the union is absolutely the same, because the elements that are united are the same, that is, the same body (Henry does not demonstrate this) and the same soul. But, if one takes "union" in the sense of the act of uniting, then it must be conceded that the union is not the same, because the first and second union of the soul and the body would be realized in different moments of time. In fact, as Aristotle says,⁴¹ in order for one action to be numerically one, it has to happen in the same span of time (Henry does not agree with the idea of a possible discontinuous existence). And one is right to conclude that the result (the "united," *unitum*) is not the same, because numerically different actions do not result in a thing that is numerically one. The form brought out from the potency of the matter and reduced to this potency by corruption cannot actually be brought out again as numerically the same by a natural agent, because the same being numerically must be produced by the same transmutation numerically, and in the same moment numerically, but the same transmutation numerically and the same moment numerically cannot be repeated.⁴² Nevertheless, Henry adds, this is only true for natural

1289: for the dating of Godfrey's questions, see J. Wippel, *The Metaphysical Thought of Godfrey of Fontaines* [Washington, DC, 1981], p. xxviii, and Wippel's chapter in this volume): "Utrum si corpus humanum resurgeret sine quantitate esset idem numero quod prius": *Les Quodlibet cinq, six et sept de Godefroid de Fontaines*, eds. M. De Wulf and J. Hoffmans (Les Philosophes belges, 3) (Louvain 1914) pp. 254–60; Nicholas Trivet, *Quodl.* III, q. 37 (1304, Glorieux I, p. 251): "Supposita secundum fidem resurrectione, utrum de necessitate resurget idem homo numero"; Gerard of Bologna, *Quodl.* III, q. 5 (ca. 1310, Glorieux I, p. 131, II, p. 94): "Utrum sit possibile resurgere idem numero per quamcumque potentiam."

⁴⁰ Henry of Ghent, *Quodl.* III, q. 27, ed. Bade cit., vol. I, f. 87r–v.

⁴¹ Aristotle, *Physica* V, c. 4, 227b30–31, 228b1–7 (translatio vetus cit., pp. 204 and 207).

⁴² Cf. Godfrey of Fontaines, *Quodl.* VI, q. 2 (Advent 1289): "Utrum Deus possit

actions, but the Resurrection is an effect of a supernatural agent, God, Who does not act as all other agents do, i.e. through motion. Therefore, His action is not subject to the same constraints: since it is not bound to movement, it is out of time, and although numerically different from a preceding action, it can recreate a being that is numerically the same, after it has been reduced to a pure non-being by corruption.⁴³

Therefore, one sees that the discussion ascends from the very particular case that serves as the point of departure to the highest metaphysical principles. Beneath a frivolous appearance the problem is quite serious: the question ends up asking what is, metaphysically, being *the same*; what are unity and identity regarding matter, form, time, etc.?

But what were the reasons why these questions were posed in such an indirect, contorted way? The question put to Henry belongs to a very different class from those that clearly evoke truly concrete situations, such as those that reflect factual occurrences and histori-

eumdem motum numero qui fuit reparare” (eds. De Wulf and Hoffmans cit., p. 111). Godfrey admits, like Scotus, that the identity of non-successive things does not require continuity, but he adds that “quia talia naturaliter non producantur in esse nisi per motum successivum secundum quem agentia naturalia producant suos effectus, et ipse motus non potest idem numero reparari, ideo ab agente naturali non possunt talia cum fuerint corrupta eodem numero reparari” (ibid.).

⁴³ Cf. also Henry’s *Quodl.* VII, q. 16 (ed. Wilson cit., p. 114): “Unde quia agens naturale non potest repetere eandem transmutationem quo prius aliquid generavit, quia interrupta est, et interruptum non potest esse unum et idem numero prius et posterius, sicut nec potest idem tempus prius corruptum reverti. Idcirco ergo non potest idem corruptum iterate generari ab agente naturali. Est tamen possibile hoc multum agenti supernaturali, quia non agit aliquid transmutatione qualis est in naturalibus, sed semper eodem modo manens et non dependens ab aliqua transmutatione circa subiectum preexistens, qualiter dependet actio naturalis, immutat singula. Propterea eodem modo se habet in prima rei productione et in quacumque alia, et ideo ulterius et uniformiter potest idem numero producere prima productione et alia sequente, et indifferenter etiam ex nihilo sicut ex aliquo, quia sua actio, et ut est a se et ut recipitur secundum modum in subiecto materiae primo et secundo, est penitus una actio, ac si agens naturale eandem transmutationem numero circa eandem materiam repeteret.” Aquinas already expressed the same idea: “naturale agens non potest ista producere sine motu, inde est quod naturale agens non potest huiusmodi reparare eadem numero, si in nichilum redacta fuerint, uel si fuerint secundum substantiam corrupta. Set Deus potest reparare huiusmodi et sine motu . . .”: *Quodl.* IV, q. 3, a. 2, ed. Gauthier cit., vol. II, p. 325a. Godfrey of Fontaines phrases it so: “Immo etiam nec a Deo agente possent per eumdem motum per quem producta fuerunt in esse reparari, quia nec illum motum posset Deus eumdem numero reparare. Sed quia Deus potest agere sine causis mediis et absque motu, ideo potest talia numero reparare”: *Quodl.* VI, q. 2, eds. De Wulf and Hoffmans cit., p. 112.

cal events. This is true for the questions raised at the University of Paris in 1285–86 after the affair of the carving up of King Philip III of France's remains,⁴⁴ or for the one addressed to Gerard of Abbeville concerning a prerogative of the bishop of Paris.⁴⁵ Other questions seem less directly connected to a particular situation, but are nevertheless the reflection of the social reality. Should a monk who has been presented to a bishop by his abbot to be made a parish priest obey the abbot who orders him to return to the cloister, or the bishop who orders him to stay in charge of his cure?⁴⁶ Should one report to the abbot the fault of another monk?⁴⁷ Does one sin mortally by skipping the recital of the canonical hours for the sake of study, with the intention of reciting them later?⁴⁸ Can a woman give alms against the will of her husband?⁴⁹ Certainly, within

⁴⁴ See E.A.R. Brown, "Death and the Human Body in the Later Middle Ages: the Legislation of Boniface VIII on the Division of the Corpse," *Viator* 12 (1981) (pp. 221–70) (reprint in eadem, *The Monarchy of Capetian France and Royal Ceremony* [London 1991]), pp. 237–44. Cf. Henry of Ghent, *Quodl.* IX, q. 12 (Lent 1286), ed. R. Macken, (Henrici de Gandavo Opera Omnia, 13) (Leuven 1983), pp. 225–40: "Utrum qui sepelivit in sua ecclesia partem corporis illius qui elegit alibi sepulturam corporis sui simpliciter, teneatur partem illam restituere . . ."; Godfrey of Fontaines, *Quodl.* I, q. 11 (Advent 1285), *Les Quatre premiers quodlibets de Godefroid de Fontaines*, eds. M. De Wulf and A. Pelzer (*Les Philosophes du Moyen Âge*, 2) (Louvain-Paris 1904), pp. 27–31: "Utrum testamentum hominis quo disposuit ut eius corpus sepeliretur in aliquo loco sacro, in quo etiam patres sui communiter sunt sepulti, possit ab aliquo immutari . . ."; idem, *Quodl.* VIII, q. 9 (1291 or 1292/93), *Le Huitième Quodlibet de Godefroid de Fontaines*, ed. J. Hoffmans (*Les Philosophes belges*, 4, fasc. I) (Louvain 1924), pp. 86–98: "Utrum conveniens sit consulere quod corpus sepeliendum dividatur ad hoc quod in pluribus locis secundum partes sepeliatur"; Servais of Mont-Saint-Eloi, *Quodl.* q. 58 (1285–91, Glorieux I, p. 137): "Utrum alius a papa . . . possit immutare aliquid circa ultimam uoluntatem defuncti, uidelicet quod aliquis non sepeliatur in loco in quo elegit sepulturam" (ed. Brown, "Death and the Human Body," pp. 269–70); Oliver of Tréguier, *Quaestiones disputatae*, q. 67: "Utrum in morte licet cor diuidere a corpore" (ed. Brown, "Death and the Human Body," p. 270). One will note that the wording of the questions, while making a clear allusion to the event, generalizes to a certain extent.

⁴⁵ Gerard of Abbeville, *Quodl.* XVI, q. 1 (after Lent 1270, Glorieux I, p. 124, II, p. 92): "Utrum episcopus parisiensis possit assumere in capellanum unum ex canonicis S. Victoris invito abbate."

⁴⁶ Henry of Ghent, *Quodl.* IV, q. 35 (Advent 1279 or Lent 1280; ed. Bade cit., vol. I, f. 148r–v).

⁴⁷ See for example the chapters of Lambertini, Ceccarelli, and others in this volume.

⁴⁸ Henry of Ghent, *Quodl.* XV, q. 12 (Advent 1291 or Lent 1292; ed. Bade cit., vol. II, f. 588r–v).

⁴⁹ Godfrey of Fontaines, *Quodl.* III, q. 12 (Advent 1286, eds. De Wulf and Pelzer cit., pp. 222–5).

all these questions the world of the clerics is portrayed in great detail, with their specific concerns (prebends; sacraments, especially confession and the Eucharist; sins; cases of conscience; religious vows, especially obedience), but there also appears an entire society, with its history, its power relations—ecclesiastical, political⁵⁰ and economic⁵¹ (notably usury)—its oppressed (Jews,⁵² women),⁵³ its abuses, its shortcomings, its scandals, its astonishments, its fears and its obsessions.

But in studying the case of a resurrected husband or religious, did the medievals want to be ready for any possibility? Did they want to know what to do if this type of situation occurred? Did the proposed hypothesis depend on the credulity of an epoch that thought similar things could happen? To be sure, the men of the Middle Ages firmly believed that God had the power to resurrect whom He wanted and when He wanted: not only at the end of time, during the Last Judgment, but at any time whatsoever; a resurrection of the flesh not to the state of the glorious body, but a return to ordinary life (as Christ resurrected Lazarus), where there are religious, conjugal ties, and so on. Nevertheless, the target of these questions on resurrection seems very different from that of the question put to Gerard of Abbeville on marriage, which touches on practical

⁵⁰ A certain number of the questions are reflexive in the sense that they concern the doctrinal responsibility of the master, the intellectual counter-weight that he represents, and the compromises he makes. Cf. Godfrey of Fontaines, *Quodl.* IV, q. 13 (1287): “Utrum magister theologiae quaestionem cuius veritatem scire est necessarium ad salutem, debeat reputare esse litigiosam et ob hoc eam repellere et nolle determinare” (eds. De Wulf and Pelzer cit., pp. 274–7); idem, *Quodl.* VII, q. 18 (1290/91 or 1291/92): “Utrum magister in theologia debet dicere contra articulum episcopi si credat oppositum esse verum” (eds. De Wulf and Hoffmans cit., pp. 402–5); idem, *Quodl.* XII, q. 6 (1295 or 1296/97), *Les Quodlibets onze et douze de Godefroid de Fontaines*, ed. J. Hoffmans (Les Philosophes belges, 5, fasc. I–II) (Louvain 1932), pp. 105–8: “Utrum liceat doctori praecipue theologico recusare quaestionem sibi propositam cuius veritas manifestata per determinationem doctoris offenderet aliquos divites et potentes”; Henry of Ghent, *Quodl.* X, q. 16 (1286), ed. R. Macken (Henrici de Gandavo Opera Omnia, 14) (Leuven 1981), pp. 304–7: “Utrum doctor sive magister determinans quaestiones vel exponens scripturas publice peccet mortaliter non explicando veritatem quam novit”; idem, *Quodl.* XV, q. 15 (1291): “Utrum sit licitum disputare de potestate praelatorum” (ed. Bade cit., vol. II, f. 593v–594r).

⁵¹ Raymond Rigaud, *Quodl.* IX, q. 31 (ca. 1287?, Glorieux II, p. 251): “Utrum magistri pro scholaribus suis possint facere collectam.”

⁵² Guerric of Saint-Quentin, *Quodl.* III, a. 3, eds. W.H. Principe and J. Black (Toronto 2002), pp. 222–3: “Utrum Iudaei deberent occidi a fidelibus et non sustineri sicut nec pagani.”

⁵³ Raymond Rigaud, *Quodl.* VII, q. 15 (ca. 1287?, Glorieux II, p. 248): “Utrum vir debeat regere uxorem principatu politico vel despotico.”

morals, that is, on canon law,⁵⁴ or of the one proposed to Godfrey of Fontaines: "Utrum religiosus qui vovit oboedire praelato teneatur contra praeceptum praelati exire ad subveniendum necessitati parentum."⁵⁵ This last question concerns the classic conflict of duties that a master is asked to resolve. The situation is not improbable; more complicated cases of conscience made up the golden days of casuistry. But a boundary is crossed with the case of a religious who is resuscitated. The case is hardly impossible for the medievals, but (at least to my knowledge) it is a matter of pure theory. It is one of those limit cases that permit the testing of a position under all its aspects. Other questions, it is true, are halfway there, such as those very interesting ones on "monsters." A child is born with two heads: must there be a double baptism?⁵⁶ These could correspond to real situations that a priest may encounter,⁵⁷ but they also engage the philosophical problem of personal identity and the relationship of the soul to the body: on what is the distinction of individuals founded? Is there a principal seat of the soul? Does the presence of two heads imply the existence of two souls? But if the soul is the form of the body, would these two souls inform one and the same

⁵⁴ Gerard of Abbeville, *Quodl.* VI (Lent 1266, Glorieux I, p. 117, II, p. 92), q. 7: "Utrum ille qui in infidelitate, sicut accidit in ritu iudaico, contraxit cum aliqua in gradu prohibito ab Ecclesia, sicut in iudaismo solent contrahere in tertio gradu, si ambo convertantur ad fidem, possit stare cum illa post conversionem"; q. 8: "Utrum alter coniugum iudaeorum transiens ad fidem, teneatur habitare cum alio volente cohabitare sine contumelia Salvatoris."

⁵⁵ Godfrey of Fontaines, *Quodl.* IV, q. 19 (1287; eds. De Wulf and Pelzer cit., pp. 291-4); cf. idem, *Quodl.* VIII, q. 13 (1291 or 1292/93; ed. Hoffmans cit., pp. 132-5).

⁵⁶ John Pecham, *Quodl.* II, q. 24 (Advent 1270, cf. *Fr. Ioannis Pecham Quodlibeta quatuor*, ed. G.J. Etzkorn [Grottaferrata 1989], p. 24*): "Qualiter debeat baptizari monstrum nascens cum duobus capitibus, utrum sicut unus aut sicut duo" (ed. Etzkorn cit. pp. 120-1). Cf. Henry of Ghent, *Quodl.* VI, q. 14 (Advent 1281 or Lent 1282), ed. G.A. Wilson (Henrici de Gandavo Opera Omnia, 10) (Leuven 1987), pp. 156-67. The question posed to Guy Terrena, *Quodl.* III, q. 13 (ca. 1315, Glorieux I, p. 172) describes conjoined twins more clearly: "Utrum posito tali monstro quod usque ad zonam sunt duo capita et caetera membra duplicata, post zonam autem sunt tantum unica, scilicet quod nonnisi unus venter, duae coxae, duae tibiae, debeat baptizari in numero singulari." See also Eustache of Grandcourt's *Quodl.* I, q. 2 (1293, Glorieux II, p. 82).

⁵⁷ This question addressed to an anonymous master seems less realistic: "Si sit monstrum aliquod quod habeat membra distincta ab umbilico supra, omnia infra autem non sunt distincta nisi sicut unius hominis, scilicet quod habeat duos pedes tantum, queritur utrum si alter illorum faciat homicidium, alter debeat suspendi" (Anon. *Quodl.* XIV, q. 3, 1255-75?; Glorieux II, p. 291).

body? This genre of investigation, which the enemies of scholasticism, even in the Middle Ages, attribute to a “vain curiosity,” are opportunities to take theories all the way to their roots by exposing them to extreme situations, and at times pushing them to an absurd or vertiginous paradox, such as (that which, again as far as I know, is a matter of pure theory): *can one excommunicate oneself?*⁵⁸

Aquinas’ Quodlibeta: the triduum and the Substantial Form

The three quodlibetal questions on the dead body of Christ that Thomas Aquinas had to resolve almost in succession, and which also dealt with the problems we have already evoked—individuality and corruption, numeral identity and continuity, form and matter, etc.—belong to this category of limit cases, of “épreuves” designed to subject a philosophical theory to proof by placing it in extreme conditions: can it provide an explanation for, or at least include in its horizon of intelligibility, this or that supposedly incontestable fact?:

Quodlibet II, q. 1, a. 1 (Advent 1269): *Utrum Christus fuerit idem homo in triduo.*

Quodlibet III, q. 2, a. 2 (Lent 1270): *Utrum oculus Christi post mortem fuerit equiuoce oculus.*

Quodlibet IV, q. 5, a. 1 (Lent 1271): *Utrum sit unum numero corpus Christi affixum cruci et iacens in sepulcro.*⁵⁹

For the medievals, these questions certainly do not have as an object an unreal situation, but they bear on a very special case that subjects all anthropological theory to a merciless test—we will soon see why. But let us here note that their speculative character does not prevent one from showing that these questions relate to a context of social concerns, of an ethical and juridical sort, and also to power struggles, as Alain Boureau has brilliantly shown.⁶⁰ As he rightly explains it, a *disputatio* does not consist merely in a “pure clash of concepts,” but further in “a series of different interactions.” In this

⁵⁸ Servais of Mont-Saint-Éloi, *Quodl.* q. 57 (1282–91, Glorieux I, p. 137): “Utrum aliquis possit excommunicare seipsum.”

⁵⁹ Respectively, ed. Gauthier cit., vol. II, pp. 211–12, 245–7, 327–8. In the analysis of these texts, I will only cite the lines of the Gauthier-Leonine Edition.

⁶⁰ A. Boureau, *Théologie, Science et Censure au XIII^e siècle. Le cas de Jean Peckham* (Paris 1999).

case, it indicates a series of representations of corporeity and death that are loaded with symbolic weight and concrete stakes. Thus, these questions on the dead body of Christ (Thomas' and others') can be subjected to several levels of analysis. They can be treated classically as purely doctrinal questions, in a strictly academic context. One can also discover external implications in them. First, one can find a social practice of prestige that was developing at the time (the case of Philip III was not unique): the dismembering of the cadavers of this world's magnates so that they could be buried in multiple locations—a practice that shocked consciences and that the Church ended up condemning. Second, one sees the cult of relics, which is perhaps the ultimate issue at stake in the clashes on substantial form, because (as we will recall) the Aristotelian-Thomist formulation casts doubt on the real identity of the cadaver with the living body, and therefore on the value of this religious practice, of which the Franciscans were firm supporters. Third, one finds the judicial practice of cruentation (where the bleeding of the cadaver indicates the assassin), a belief which, in turn, harkens back to a group of medical theoretical concepts, and even physical ones (magnetism). These multiple dimensions allow the comparison and connection of common mentalities, the popular imagination, to learned culture.

Nevertheless I would now like to return to the first level of analysis, and show how a detailed study of the texts can contribute to a better understanding of the logic of the questions posed. Quite obviously, the debates concerning the three days that Christ spent in the tomb (*triduum*), which took place several years after Thomas' death, revive the history of the controversy on substantial form. It is clear that in the eighth and last article of the censure that John Pecham pronounced on 30 April 1286, the Thomist theory of the unicity of substantial form is denounced as a source of "heresies" relating to the dead body of Christ (aa. 1–3, 5–6).⁶¹ But the issue is whether it was the Franciscan *correctoria* of Thomas, and then the censure, that drew the connection between the problem of substantial form and the *triduum*, or rather this connection was already clearly present in the questions addressed to Thomas during the quodlibetal sessions

⁶¹ *Registrum epistolarum fratris Ioannis Peckham*, ed. T. Martin (London 1882–85), vol. III, pp. 921–3; cf. Boureau, *Théologie, Science et Censure*, pp. 7–9.

of 1269–71. Alain Boureau prefers the first solution: he reckons that at the time of the three *Quodlibeta* of Thomas, “the kinship between the fields of anthropology [the question of the unicity of substantial form] and Christology [the question of the *triduum*] had not yet appeared explicitly,”⁶² and that even in the *Summa theologiae*, IIIa pars, the link was only implicit;⁶³ it would be the further discussions, with the contributions of Giles of Rome, Henry of Ghent, and certainly the Franciscans, led by William de la Mare⁶⁴ and Pecham, that would make evident the relationship between the two questions. In a more general fashion, the point is to establish when the attacks on the unicity of substantial form began; according to Boureau, this occurred not long before 1277.⁶⁵

But it appears, to the contrary, that a line-by-line reading of Thomas’ three questions shows that, already in his day, a clear connection was drawn between the two domains.⁶⁶ This last remark is not meant simply to update the chronology, but rather enlists a methodology of reading *quodlibeta*, a methodology that seeks to account for the very formulation of the questions and the tactics employed during the disputes. From the very nature, at once free and solemn, of quodlibetal sessions, where the master usually did not choose the subjects discussed, these questions were the perfect occasion for a master’s adversaries to try to put him on the spot publicly. One could envision the most elaborate snares. The ideal case is where we can deduce from various indicators who (or at least what group) posed the question, for what purpose it was posed, and why it was posed in such terms (what the code employed was). What weak points in the questioned master’s doctrine did it target? In what theoretical context did this discussion take place? What were the allusions,

⁶² Boureau, *Théologie, Science et Censure*, p. 161.

⁶³ Boureau *Théologie, Science et Censure*, p. 62 (cf. pp. 82–3 and 86 concerning William de la Mare), 105, 116, 134.

⁶⁴ For William de la Mare’s criticisms, see his *Correctorium fratris Thomae*, a. 31, in P. Glorieux, *Les Premières Polémiques thomistes I.—Le Correctorium Corruptorii ‘Quare’* (Kain 1927), pp. 129–35, and a. 107 (pp. 407–8). In the second article, he specifically considers Thomas’ *Quodl.* II.

⁶⁵ Boureau, *Théologie, Science et Censure*, pp. 70–1.

⁶⁶ It would also be useful to take recourse to the external evidence, and to bring in the *De gradibus formarum* of William of Falegar (or Falgar), ed. P. Glorieux, *RTAM* 24 (1957), pp. 296–319. In this disputed question, which is contemporary to Thomas’ *Quodlibeta* since it dates from the years 1271–72 (p. 319), this Franciscan Master tied a discussion on the unicity of substantial form to the subject of the dead body of Christ (11a ratio, p. 305.16–40).

the implicit references on which they rested? What were the mechanisms of the trap being set? In short, what strategy of questioning was employed?

With the problem of the *triduum*, we are not very far from such a paradigmatic example, in the sense that Thomas' *quodlibeta* can be nearly completely decrypted. The debate on the unicity of substantial form, which Thomas' adversaries violently contested, could very well have been posed in direct terms: "Utrum homo habeat esse ab una forma substantiali vel a pluribus."⁶⁷ But it was more effective to try to push Thomas outside the bounds of orthodoxy. For this purpose they brought in a question that was already an old one, going back to Abelard: was Christ a man during the three days of his death?⁶⁸ A strange fact is that a negative response was generally

⁶⁷ Godfrey of Fontaines, *Quodl.* II, q. 7 (Lent 1286; eds. De Wulf and Pelzer cit., pp. 95–133).

⁶⁸ See A.M. Landgraf, "Das Problem Utrum Christus fuerit homo in triduum mortis," in idem, *Dogmengeschichte der Frühscholastik*, part II, vol. I (Regensburg 1953), pp. 273–319; Boureau, *Théologie, Science et Censure*, pp. 98–115. Perhaps it is merely necessary to add the role played by the *Liber officialis* of Amalar of Metz (in 813), which was highlighted in H. de Lubac, *Corpus mysticum* (Paris 1949), pp. 295–339. Amalar in this text gives a symbolic explanation of the rite of breaking the host into three parts. These three parts symbolize the three parts of which the body of Christ is composed: "Triforme est corpus Christi, eorum scilicet qui gustaverunt mortem et morituri sunt: primum videlicet, sanctum et immaculatum, quod assumptum est ex Maria virgine; alterum, quod ambulat in terra; tertium, quod jacet in sepulchris. Per particulam oblatae immissam in calicem, ostenditur corpus Christi, quod jam resurrexit a mortuis; per comestam a sacerdote vel a populo, ambulans adhuc super terram; per relictam in altari, jacens in sepulchris" (*Liber officialis* III, c. 35, PL 105, coll. 1154–5, cited in Lubac, *Corpus mysticum*, p. 299). This formulation of Amalar has been, wrongly according to Lubac, interpreted in a realist sense, or rather in an "individual" manner (*ibid.*, p.301): the three forms would be the three successive states of the human body of Christ Himself, excluding the mystical body or any other sense that implies the idea of a collective body. In any case, the text of Amalar was an authority throughout the rest of the Middle Ages, without doubt because it was integrated into the *Liber de divinis officiis* of the Pseudo-Alcuin (a 9th- or perhaps 11th-century compilation), right after this text signalled that "the custom of reciting the *Agnus Dei* at Mass was due to Pope Sergius" (Lubac, *Corpus mysticum*, p. 313): "fooled by this proximity, some canonists had attributed to Sergius what came from Amalar. Yves of Chartres' *Panormia* also did this, as did the *Sententiae Magistri A*"—one of Gratian's sources, such that the error entered into the *Decretum*, dist. 2, cap. 22. Peter Lombard cites it under this borrowed identity: "Quid autem partes illae significant, Sergius papa tradit, inquit: 'Triforme est corpus Christi: pars oblata in calicem missae corpus Christi quod iam resurrexit monstrat; pars comesta, ambulans adhuc super terram; pars in altari usque ad finem missae remanens, corpus iacens in sepulchro significat, quia usque in finem saeculi corpora sanctorum in sepulchris erunt'" (*Sententiae* IV, d. 12, c. 4, §1, in *Sententiae in IV libris distinctae*, ed. I. Brady [Grottaferrata 1981], vol. II, p. 307.8–13).

admitted in the middle of the thirteenth century—Bonaventure calls this is the “*communis opinio doctorum Parisiensium*.”⁶⁹ Christ was no longer a man during the *triduum* because He was a true man before and His death had been real, following a process identical to that of any other man. This is one of the rare theses that expressly challenged the authority of Peter Lombard. Anthropology had evolved, and it was no longer admissible to maintain that man’s existence did not consist in the real junction of a body and a soul, and that the simple existence of these elements, one separated from the other, sufficed to conserve human nature. Why, therefore, concern oneself anew with this old problem of the status of Christ during his death, if it appeared to have been definitively resolved? The answer is because the question could be updated and modified to take advantage of the dogmatic constraints that it carries with it. It was considered like an article of faith that the hypostatic union, once realized, could not be undone. Put another way, between the moment of Christ’s death and that of His resurrection, the Word must continue to assume, if not human nature as such, since it no longer exists, then at least its constituent elements, the soul and the body to which it was united.⁷⁰ Such is the boundary line that marks out the field of possible interpretations: crossing it means being caught out-of-bounds. On the side of the soul, there is hardly any difficulty; it is the body that poses the problem—at least for the theory of a single substantial form, as we will see when we examine Thomas Aquinas’ texts. Most of his adversaries admitted substantial forms other than the rational soul (which is assumed to be separated from the body during death), such as the form of corporeity. For them, the conservation of the body as body, even stripped of life, does not cause any doubt, and during the *triduum* the Word remained united, without any break in continuity, to the same identical material substance.⁷¹

⁶⁹ Bonaventure, *Commentaria in IV libros Sententiarum*, III, d. 22, a. unic., q. 1, in *Opera theologica selecta, editio minor*, vol. III (Quaracchi 1941), p. 442b. Cf. Thomas Aquinas, *Scriptum super libros Sententiarum*, III, d. 22, q. 1, a. 1, resp., §16, ed. M.F. Moos (Paris 1933), p. 664: “Et ideo omnes Moderni tenent quod Christus in triduo non fuerit homo.”

⁷⁰ Cf. John of Damascus, *De fide orthodoxa*. c. 71 (= III, c. 27), 2, ed. Buytaert cit., p. 273.19 sq.

⁷¹ See, for example, Richard of Menneville, *De gradu formarum*, ed. R. Zavalonni, *Richard de Mediavilla et la controverse sur la pluralité des formes* (Louvain 1951), pp. 107.30–110.82.

But does Thomas' anthropology (and more generally his comprehension of hylomorphism) allow him to reach the same conclusion? This is the game during this debate, which will henceforth return to focus on the dead Christ.⁷² This sample case, where the constraints are at their highest, permits one to place any theory of substantial

⁷² Let us indicate the following *quodlibeta*, including several variants that concern the same problem: Henry of Ghent, *Quodl.* I, q. 4 (Advent 1276): "Utrum corpus Christi in sepulcro, separata anima ab eo, habuit aliquam formam substantialem superinductam" (ed. Macken cit., pp. 13–22), *Quodl.* II, q. 2 (Advent 1277), ed. R. Wielockx (Henrici de Gandavo Opera Omnia, 6) (Leuven 1983), pp. 8–21: "Utrum, anima Christi separata, remansit aliqua forma in ipso corpore eius," q. 3: "Utrum caro Christi viva et mortua erat univoce caro" (ibid., pp. 21–6); John Pecham, *Quodl.* IV, q. 11 (1277 or 78): "Utrum oculus dicatur de oculo Christi vivo et mortuo univoce vel aequivoce" (eds. Delorme and Etzkorn cit., pp. 196–202); Bernard of Trilia, *Quodl.* I, q. 5 (1283, Glorieux I, p. 102): "Utrum corpus Christi vivum et mortuum fuerit idem numero"; Roger Marston, *Quodl.* IV, q. 11 (Lent 1284): "Utrum sit idem numero corpus Christi mortuum et vivum" (eds. Etzkorn and Brady cit., pp. 387–90); Godfrey of Fontaines, *Quodl.* III, q. 5 (Advent 1286): "Utrum dicere quod corpus Christi mortuum et alterius hominis mortuum fuerit corpus aequivoce sit erroneum" (eds. De Wulf and Pelzer cit., pp. 194–211); Henry of Ghent, *Quodl.* X, q. 5 (Advent 1286 or Lent 1287): "Utrum corpus Christi vivum et Petri vivum sint idem specie" (ed. Macken cit., pp. 55–131), q. 6: "Utrum corpus Petri mortuum sit aliqua adoratione adorandum" (ibid., pp. 132–45); Godfrey of Fontaines, *Quodl.* V, q. 5 (1288): "Utrum incorruptionis corporis Christi fuit causa acceleratio resurrectionis vel conservatio miraculosa alicuius formae quae prius erat in corpore vivo" (eds. De Wulf and Hoffmans cit., pp. 17–21); Henry of Ghent, *Quodl.* XII, q. 12 (Advent 1288 or Lent 1289), ed. J. Decorte (Henrici de Gandavo Opera Omnia, 16) (Leuven 1987), pp. 63–6: "Utrum Christus, si fuisset mortuus senio, fuisset secundum corpus putrefactus"; Giles of Rome, *Quodl.* IV, q. 5 (1289, Glorieux I, p. 144): "Utrum Christus in triduo mortis potuerit dici filius Virginis" (ed. De Coninck cit., pp. 206–8); Henry of Ghent, *Quodl.* XIII, q. 4 (Lent 1289 or Advent 1289 or Lent 1290), ed. J. Decorte (Henrici de Gandavo Opera Omnia, 18) (Leuven 1985), pp. 20–5: "Utrum Deus potuit facere quod anima Christi separata a suo corpore existente in sepulcro fuisset coniuncta corpori ipsius in altari vel in pyxide, si tunc fuisset consecratum"; Godfrey of Fontaines, *Quodl.* XIII, q. 2 (1296 or 1297/98), *Les Quodlibets treize et quatorze de Godefroid de Fontaines*, ed. J. Hoffmans (Les Philosophes belges, 5, fasc. III–IV) (Louvain 1935), pp. 187–90: "Utrum Christus fuit mortuus vere"; Bertrand de la Tour, *Quodl.* I, q. 7 (before 1312, Glorieux II, p. 68): "Utrum corpus Christi mortuum est adorandum"; James of Thérines, *Quodl.* I, q. 4 (Advent 1306, Glorieux I, p. 211): "Utrum de necessitate fidei sit ponere in Christo aliam formam substantialem ab anima intellectiva" (*Quodlibeta I et II*, ed. P. Glorieux [Paris 1958], pp. 72–87); Durand of St Pourçain, *Quodl.* I, q. 5 (ca. 1314), *Quodlibeta Avenionensia Tria*, ed. P.T. Stella (Zürich 1965), pp. 81–6: "Utrum in triduo mortis Christi fuerit verum dicere quod Christus esset in sepulchro"; Hervaeus Natalis (*dub.*), *Quodl.* VI, q. 9 (Glorieux I, p. 205, II, p. 139), *Subtilissima Heruei Natalis Britonis (. . .) quolibeta undecim (. . .)* (Venice 1513; reprint Ridgewood, NJ, 1966), ff. 133va–134ra: "Utrum in corpore Christi in morte fuerit aliqua forma substantialis." To this list, based on Glorieux's research, and certainly incomplete, one should of course add ordinary questions and commentaries on the *Sentences* (book III, dd. 21–22).

forms into a limit situation that is a decisive test: does this theory meet the requirements of orthodoxy? Questions on the *triduum* appeared in the middle of a complex of problems, whose keywords are reference, signification, equivocality, identity, the simplicity or composition of forms, animation, corporeity, and Christology. I will show that all these terms were in place, and that the quodlibetal questions addressed to Thomas tie them together for a very precise purpose, which is to make him “trip up.”

Quodlibet II, q. 1, a. 1

Looking more closely at it, the question posed to Thomas Aquinas in 1269 not only asks—as had been done since Peter Lombard—if Christ was a man during the *triduum*, but if he was *numerically the same man*. The traditional problem (as Thomas himself still formulated it in book three of his commentary on the *Sentences*, d. 22, q. 1, a. 1) is modified, and this modification is strange: why then ask further if he was *the same* man, since the principal question would be if He remains a man (and the response was generally: no)? It is this that Thomas emphasizes in the *sed contra* and the *responsio*: since His soul is separated from His body, it ceases to have human nature (*humanitas*), and hence *a fortiori* it is not the same man numerically, nor is it another man, but, it is no longer a man at all (ll. 52–55).

To explain the modification of the question, it is tempting to suppose that Thomas’ adversaries realized that the thesis of the corruption of human nature made it difficult for him to maintain the continuity of the hypostatic union. If human nature disappeared, to what would the Word remain united? It would be easy to reply that, on the one hand, it remains united to the soul, and, on the other, to the body: that was the Lombard’s solution, and that is the one that Thomas adopts, with some adjustments, in his commentary on the *Sentences*.⁷³ Therefore, the question posed can only be explained,

⁷³ Thomas Aquinas, *III Sent.*, d. 21, q. 1, a. 1, sol. 1 (ed. Moos cit., pp. 635–6, nos. 17–24). In Thomas’ *Quodl.* III, q. 2, a. 2, one should note furthermore that the first objection reuses an affirmation that Thomas developed previously, namely the affirmation that, from the point of view of belonging to the person of Christ, the body remains the same substance after death. The body is in fact a substance (cf. *Compendium theologiae* I, c. 229, ed. Leonine, 42 [Rome 1979], p. 179a.2), one that, in Christ’s case, divine power conserves intact in death (cf. *III Sent.*, d. 21, q. 1, a. 2, ad 4 et ad 5, §§43–4, ed. Moos cit., p. 639), through the union with

it seems, if there was a doubt concerning the response that he had already given.

The doubt arises here from a scriptural reference (obj. 1, ll. 12–14, citing Mt. 12:40), which attributes to the “Son of Man” the fact of resting in the heart of the Earth. The objection clearly aims to focus the debate on the identity and continuity of the individual so designated as the “Son of Man.” What is it that allows us to maintain that indeed it is the same “Son of Man” resting in the heart of the Earth as who was speaking on the surface of the Earth (obj. 1, ll. 14–16)? Since everybody agrees that the soul is incorruptible and persists, the question presupposes that this does not suffice for affirming that it is the same Son, but that the permanence of the body, as well as the continuity of a relationship to this body, are also required. Consequently, does not the doubt concern more precisely the status of the body lying in the grave? How does Thomas guarantee that this cadaver is indeed the body of Christ, so that one could say that He who preached, living among the living, now rests in a tomb?

What could give Thomas difficulty in affirming this point? Let us look at a part of his response: as opposed to the soul, which has not undergone substantial alteration (ll. 57–59), the body has passed from an animate to an inanimate state, that is, it has undergone substantial change (ll. 64–65). It no longer has the same substantial form, that is, the soul (ll. 60–61), and therefore it is no longer *simpliciter* numerically the same, because any essential difference excludes specific identity, and hence, *a fortiori*, numerical identity (ll. 61–63). This last consequence is an Aristotelian axiom that Thomas never stopped teaching and that he had already employed in a quodlibetal question from Lent 1269.⁷⁴ Thus it sufficed to use this axiom to

the Word (“cum <Deus> sit immutabilis, ei quod sibi perfecte conjunctum est incommutabilitatem praestat, ut scilicet immutabiliter ei adhaeret,” *III Sent.*, d. 21, q. 1, a. 1, sol. 1, §17, ed. Moos cit., p. 635). Therefore, he remained the same, in His entirety as in His parts, which is denied by Thomas’ thesis in *Quodl.* II, q. 1, a. 1, namely that the body only remains identical *secundum quid*; more generally, this is denied by his doctrine of substantial form, which implies that there was equivocality between the living body and the cadaver, as we will see.

⁷⁴ Thomas Aquinas, *Quodl.* I, q. 6, a. unic., ed. Gauthier cit., vol. II, p. 160.34–9: “ad hoc quod aliquid sit idem numero, requiritur ydemptitas principiorum essentialium; unde, quodcunque principiorum essentialium etiam in ipso indiuiduo uariatur, necesse est etiam ydemptitatem uariari.” Cf. Aristotle, *Metaphysica* V, c. 6, 1016b36 (translatio Moerbeke cit., p. 102.287–8): “quaecumque numero specie unum, sed quaecumque specie non omnia numero.”

underline a difficulty with the Thomist theory of the soul: if it alone informs the body, how can one justify the permanence of the body to which the Word is unfailingly united?

In his response, Thomas seeks to limit the scope of this consequence when he claims that, in the case of Christ, identity has a different basis. In using the expression "Son of Man," which refers to the human nature of Christ (just as one calls Him "Son of God" in reference to His divinity), objection 1 seeks to place this at the center of the discussion. But when one calls this individual "Son of Man," one designates a unique *suppositum*, the person of Christ, which is the divine person.⁷⁵ All that is said of the Son of God can then be transferred to the Son of Man. As a result, due to the identity of the hypostasis, what is said of one nature can also be said of the other. That is why it is licit to say that God is dead, or that this man (who is God) created the stars.⁷⁶ Thus the same individual who is called "Son of God" should also be able to be called "Son of Man," even during His death (ad 1, ll. 72–75). Since there is only one and the same subject, and since only the incorruptible person remains in death, all that was attributed to Him concerning His living self remains attributable to Him. Now Thomas is able to rely on, as on a theological axiom, the fact that the Son of God continued to assume the dead body, since one says in the *Credo: Filius Dei sepultus est* (1. 43). Consequently, just as one can say that the Son of God was born of a virgin, one can say that the Son of Man is in the tomb, although He is no longer a man. Equally, inasmuch as it designates the divine person who assumed the nature of man, the expression "iste homo est ubique" is true even in death.⁷⁷ One can even affirm that Christ is "totus ubique," inasmuch as He never lacks any part of his *personalitas*, but not that Christ is "totum ubique,"

⁷⁵ Cf. Thomas Aquinas, *III Sent.*, d. 10, q. 1, a. 1, sol. 2, §33, ed. Moos cit., p. 334: "Cum autem dicitur: *Iste homo*, demonstrato Christo, includitur ex vi demonstrationis determinatum suppositum humanae naturae, quod est suppositum aeternum"; *III Sent.*, d. 1, q. 1, a. 1, resp., §14, ed. Moos cit., p. 9: "persona divina fit persona huius naturae humanae"; *ibid.*, §15, p. 9: "in eadem persona in qua naturaliter erat divina natura, per unionem est humana natura."

⁷⁶ Cf. Thomas Aquinas, *Compendium theologiae* (1265–67) I, c. 211, ed. cit., p. 164b.128–31.

⁷⁷ Cf. Thomas Aquinas, *III Sent.*, d. 22, q. 1, a. 2, resp., §31, ed. Moos cit., p. 666. Cf. *ibid.*, ad 2, §33, p. 666: "dicendum quod ubicumque est Deus, hic homo est in illo loco, non tamen ibi est humana natura"; *ibid.*, ad 5, §36, p. 667: likewise for the expression "Iste homo fuit ab aeterno."

inasmuch as a part of His human nature is lacking.⁷⁸ One can then maintain that “Christus totus fuit in inferno, non tamen totum,” inasmuch as the Word is united to the soul; or that Christ “totus fuit in sepulto,” but not “totum,” since only the body, united to the Word, was found in the tomb.

So Thomas thinks he can account for all the scriptural and dogmatic formulae, and on the level of hypostasis he affirms that Christ (or the Son of Man, since that indicates the same hypostasis) during the *triduum* remains “idem numero simpliciter” (ll. 49–51). On the level of human nature, however, one must distinguish two points of view (ll. 51–52). From the point of view of the complete nature, it does not remain the same (ll. 52–55), since Christ is really dead (cf. ll. 37–40). From the point of view of the constituents of this human nature, the soul certainly stays numerically the same (ll. 56–59), but not the body: it loses its specific difference, which is being animated (ll. 62–65). One cannot therefore say that the body remains absolutely (*simpliciter*) the same (ll. 61–62). But nor can one say, Thomas contends, that it becomes absolutely other (*simpliciter non idem*) (ll. 66–67): something of the substance that it was remains, namely the matter itself (ll. 59–60). On the grounds of this continuity, one can therefore say that, in this sense (*secundum quid*), the body remains identical to what it was.

Whence this formula, which is at least subtle: *on the level of human nature* (this qualification has its importance, which we will encounter again in later *Quodlibeta*), from a certain point of view the dead body of Christ is the same as His living body; from another point of view it is not the same (ll. 68–70). Certainly, it remains to be seen whether Thomas’ solution is truly satisfying or not. In particular, the continuity attributed to the matter that has been stripped of its form is problematic and will remain the weakest point, pounded by all adversaries for as long as this polemic will last (that is, well after Thomas’ death).⁷⁹ on what grounds can one say that it is *the same* matter, since, according to Thomas’ own theory, nothing lies between prime matter and substantial form, and any characterization and identification of the former requires the latter or at least a formal element such

⁷⁸ Thomas Aquinas, *III Sent.*, d. 22, q. 1, a. 2, ad 6, ed. Moos cit., p. 667, n. 37.

⁷⁹ Cf. Roger Marston, *Quodl.* II, q. 22, eds. Etzkorn and Brady cit., p. 273.17–19: “Et istis accidit difficultas de identitate corporis Christi vivi et mortui, cui nunquam satisfacere potuerunt.”

as determining dimensions?⁸⁰ When the substantial form disappears, no accident or other form can remain, and so neither can any “indicator” of matter, such that when matter passes under another substantial form there is necessarily a break: there can be nothing in common between the new being and the preceding one. In the next *Quodlibet*, we will immediately see an application of this fundamental objection. Later Thomist responses, or that of Giles of Rome, seek to make quantity play the role of a bridge assuring a certain continuity between these two beings, at the risk of producing an accidental form that is independent of substantial form⁸¹ (the problem is the same for the principle of individuation in general: the substantial form has to be received in a not entirely indeterminate matter).

But be these discussions as they may, let us return to the wording of ll. 59–61, where Thomas maintains that, from a certain point of view, “secundum materiam,” the body is numerically the same, although absolutely (“simpliciter”) it is not. Does he not express himself as if the point to be defended was indeed the body’s numerical identity? He begins by showing that he has the means to define at least a relative identity, but afterwards he maintains his characteristic thesis, that is that the soul is the substantial form of the body, that death is the separation of this form, and that what remains is no longer the same being according to form (that is, according to what is essential). From this, one gets the impression that, starting with this *Quodlibet*, beyond the traditional question concerning the state of the man of Christ during His death, Thomas had to defend himself from some awkward consequences in his theology arising from his thesis concerning the soul as the only form of the body, which thesis calls into doubt precisely what happens to the body of Christ during the *triduum*.

⁸⁰ Cf. Thomas Aquinas, *Scriptum super libros Sententiarum* I, d. 8, q. 5, a. 2, resp., ed. P. Mandonnet (Paris 1929), p. 228: “materia prima, prout consideratur nuda ab omni forma, non habet aliquam diversitatem.” *Quodl.* XI, q. 6, a. unic., ad 2, ed. Gauthier cit., vol. I, p. 161b.72–3: “una materia, secundum quod est sub dimensionibus terminantibus ipsam, facit idem numero.”

⁸¹ See Giles of Rome, *Quaestiones metaphysicales*, q. IV (ed. Venice 1501; reprint Frankfurt am M. 1966), ff. 34va–35ra; *Theoremata de corpore Christi*, prop. XXXVII–XXXVI, ed. cit., ff. 100rb–106ra.

Quodlibet III, q. 2, a. 2

The next *Quodlibet* confirms this impression when it repeats the question in a different way, as if the adversaries resumed the attack (this will happen to Henry of Ghent too).⁸² The question posed implies an attempt to oppose Thomas' position (of the relative identity, through matter, of the living and dead body of the same Son of Man) by turning against him the consequences of the thesis that he takes from Aristotle concerning the soul informing the body.

As a matter of fact, he is asked if the eye of Christ in the tomb was an eye in an equivocal sense. As Thomas points out in his response (l. 34), this is an allusion to a famous passage from *De Anima*, 412b17–25.⁸³ The question that is asked is thus highly contextualized; that is, it functions as an implicit reference. But what does Aristotle do in this passage? He illustrates the fact that the soul is the entelechy of a natural body having life by potency in considering this ontological function in precisely the situation where it is no longer exercised, that is, in death. Since the soul is only a single case of substantial form, Aristotle begins by examining, for pedagogical purposes, the case of an artifact. To take a more modern example than that of Aristotle (the axe): an automobile that has broken down, which only moves when it is towed by another vehicle, is no longer an *automobile*. Therefore it is only called an “automobile” by an abuse of language; in reality, it is a assemblage of pieces that is no longer capable of exercising its function, namely being self-moving in entelechy: therefore it is only an ex-automobile, an automobile by resemblance, but not in reality. Likewise, if an eye loses its entelechy, its faculty of vision, it no longer has its quiddity, namely, an organ disposed for seeing; it is therefore no longer a true

⁸² Henry of Ghent, *Quodl. II*, q. 2 (ed. Wielockx cit., pp. 11.52–12.76), picking up from *Quodl. I*, q. 4, and preceding three questions on the body of Christ. See also, on another subject, *Quodl. II*, q. 15 (ibid., p. 97.26–9), following up *Quodl. I*, q. 39.

⁸³ Cf. Thomas Aquinas, *Sentencia libri de anima II*, c. 2, ed. Leonine, 45–1 (Rome-Paris 1984), p. 74. This is the only case, among those where Aristotle discusses the same idea, where he uses this example and speaks of the equivocality of the dead eye as well as that of the painted eye. The other passages (chiefly *Gen. An. II* 1, 734b24–27, *Part. An. I* 1 640b35–641a6—see also *I* 19, 726b22, and *Meteor. IV* 12, 389b31 sq., *Metaph. VII* 1035b24–25, *Pol. I*, 1253a20–21) speak of the whole body, of the hand or of the face. It is true that *Part. An. I* 1 also mentions the eye, but it mostly uses the example of the hand.

eye, but only an eye homonymously, just like an eye of stone or a painted eye. In the same way, a body that no longer has the ability to sense, or that is no longer a living being in entelechy, is no longer truly a body, since it no longer has its quiddity, and only receives the name of body equivocally; indeed it would be better to call it a cadaver. It follows from all this that, in the case of man, his entelechy, that is the rational soul, gives the body its being an organized matter capable of exercising vital functions.

As an immediate consequence of this doctrine, which Thomas usually expresses by saying that the rational soul is the unique substantial form of the human body, the separation of the soul entails the disappearance of the body *qua* body. Only disorganized matter remains—contrary to what, for example, Augustine says, for whom a certain unity, and thus a certain identity, still remains in the dead body, which dead body then persists in continuity with the living body.⁸⁴ The question posed to Thomas targets this point by synecdoche. But in emphasizing the consequence, the question actually attacks the premise. It is furthermore instructive that in making reference to the text of Aristotle, the question chooses the example of an organ. The distinguishing feature of Thomas' theory is that the rational soul not only introduces the ultimate perfection proper to the human species, but also assumes all the inferior functions, and makes all the parts be what they are.⁸⁵

⁸⁴ Augustine, *De Civitate Dei* XIX, c. 12, ed. cit., p. 678: "quae si molestiis eius exclusa discesserit <anima a corpore>, quamdiu compago membrorum manet, non est sine quadam partium pace quod remanet, et ideo est adhuc qui pendeat." William of Auvergne (*De anima*, c. 1, part 1, in *Opera omnia*, ed. cit., p. 66a–b) displays the clash between this traditional conception and the newly rediscovered Aristotelian text by bluntly distorting its obvious meaning, the homonymy between the living and the dead body, in the name of the common sense conception of an ontological identity between them: where does what we place in biers and tombs come from? What do embalmers endeavor to preserve? Carpenters would be quite deluded in believing that they bring to their workplace the same trunks they have cut in the forest, and apothecaries would be trying in vain to preserve flowers, fruits, and roots in their preparations (and we could add that so-called butterfly collectors stupidly pin in their albums, at great expense, things that are no longer butterflies at all). "It is evident, then," William concludes, "that in that definition, namely that 'the body is something potentially having life,' Aristotle understood the body that remains after the death of the human being or of another living being, or even a vegetable or plant" (trans. Teske cit., p. 44).

⁸⁵ "nervo in quantum est nervus, et cartilagini in quantum est cartilago, et manui in quantum manus, et sic de ceteris," Matthew of Aquasparta explains, *Quaestiones disputatae de anima* XIII, q. IV (shortly before 1277), ed. A.-J. Gondras (Paris 1961),

As a result the problem of the numerical identity of the body is raised. The problem is that the cadaver would no longer be a body, and thus would no longer be the same substance. Thomas does affirm that, "in morte manserit unio personalis Filii Dei tam ad animam quam ad corpus Christi."⁸⁶ But for there to be an assumption, there must be something that is assumed, and for there to be continuity in the assumption, it must be the same thing that is assumed. But what is this thing that was assumed during the *triduum*? According to the hypothesis of Aristotle and Thomas, this is the same thing as before only homonymously. What is this thing, how does one define it, if it no longer has its form? God does not actually take the place of the soul in being the form (informing matter would be contrary to His perfection).⁸⁷ In the preceding *Quodlibet*, Thomas said that the body stays numerically one by matter. But matter without form only has the continuity of the subject of change,⁸⁸ not that of a determinate substance.⁸⁹

Thus the formulation of the question and the implicit reference to *De Anima* is explained. It certainly concerns an attack on Thomas'

p. 59. Cf. Thomas Aquinas, *Summa theologiae* I (1268), q. 76, a. 8; *Summa contra Gentiles*, II, c. 72, IV, cc. 32, 37; *III Sent.*, d. 1, q. 2, a. 1, resp., §83, ed. Moos cit., p. 30: the soul is united to the body in two ways, "et secundum essentiam, ut est forma eius, et secundum potentiam, ut est motor ipsius vel operans per ipsum; necessarium est ut anima unitor oculo, et quantum ad essentiam animae, in quantum perficitur oculus in esse specifico, et secundum rationem visivae potentiae, prout efficitur instrumentum videndi."

⁸⁶ Thomas Aquinas, *Compendium theologiae* I, c. 229, ed. cit., p. 179a.16–17.

⁸⁷ Thomas Aquinas, *III Sent.*, d. 2, q. 1, a. 3, sol. 2, §73, ed. Moos cit., p. 68; *Compendium theologiae* I, c. 204, ed. cit., p. 159b.9–11, 21–6.

⁸⁸ Cf. Thomas Aquinas, *Quaestiones disputatae de veritate* (1256–59), q. 28, a. 7, resp., ed. Leonine, 22.3–1 (Rome 1973), p. 840.165–72: "denudatio autem materiae a forma contraria est quaedam dispositio ad formae susceptionem. Subiectum etiam, id est materia, ut dicitur in I *Physicorum* [c. 7, 190b25], 'numerabiliter est'; numeratur enim secundum rationem, in quantum in eo praeter subiecti substantiam invenitur privatio, quae se tenet ex parte materiae et subiecti."

⁸⁹ We should however note that according to *Compendium theologiae* I, c. 154, the matter of this or that human body, whatever the form that it receives after it is corrupted may be, remains, *with respect to divine knowledge and power*, numerically one, determined by dimensions and individuated (ed. cit., p. 140b.34–45). In natural processes one and the same thing is never generated many times; there are only reiterations of the specific nature, as Aristotle says ("Ea vero quae secundum substantiam corrumpuntur, non reiterantur eadem numero secundum operationem nature, sed solum secundum speciem: non enim eadem numero nubes est ex qua pluvia generatur, et quae iterum ex aqua pluviae et rursus euaporante generatur," *ibid.*, p. 140a.1–6). But it is possible for God to revive the same being numerically, because its constituents, body and soul, are kept numerically identical (with regards to the body, it is possible at least for God).

anthropology, and beyond that an attack on his reading of hylo-morphism, if not on Aristotelianism altogether (in the second objection, the “philosophers” in general and “the Philosopher” in particular are opposed with the irreducibility of the status of Christ to naturalist considerations, ll. 13–17). If one accepts his principles, contrary to what happens for the soul, it seems that, in the absence of a form guaranteeing the conservation of the body as a corporeal substance, there was a discontinuity in the hypostatic union with the body.⁹⁰ All the elements were already present and public for this offensive to be taken. When in 1276 Henry of Ghent responds to the question: “Once the soul was separated from the body of Christ in the tomb, was it informed by some substantial form?” (*Quodl.* I, q. 4), it is the development of an already identified problem concerning a single substantial form, rather than the introduction of an unconsidered question.⁹¹ In that case, only a new formulation of the objection is presented, a variation on the same theme. Instead of asking if the continuation of the numerical identity of the body is guaranteed, one emphasizes that if only a single substantial form

⁹⁰ See Matthew of Aquasparta, *Quaestiones disputatae de anima XIII*, q. IV, ad 17, ed. Gondras cit., p. 72. Cf. Thomas Aquinas, *Compendium theologiae* I, c. 154, ed. cit., p. 141a.92–101: “Nam si per corporeitatem intelligatur forma substantialis, per quam aliquid in genere substantie corporee ordinatur, cum non sit unius nisi una forma substantialis, talis corporeitas non est aliud quam anima. Nam hoc animal per hanc animam non solum est animal, sed animatum corpus et corpus et etiam hoc aliquid in genere substantie existens: alioquin anima adueniret corpori existenti in actu, et sic esset forma accidentalis.”

⁹¹ Cf. Boureau, *Théologie, Science et Censure*, p. 118: “c’est à Henri de Gand que revient de lier étroitement la question de la forme unique et celle du corps du Christ, en décembre 1276.” I would say rather that as early as Thomas’ commentary on the *Sentences*, the death of Christ could be associated with the question of the soul’s status as form. Cf. *III Sent.*, d. 6, q. 3, a. 1, resp., §107, ed. Moos cit., p. 244: “remota anima, non dicitur homo neque oculus neque caro nisi aequivoce, sicut homo pictus. Et ideo si tollatur unio animae Christi ad carnem eius, sequitur quod non sit verus homo, neque caro eius vera.” Thomas says that this conclusion is opposed to the faith, but that is because, in this context, the discussion concerns showing that the human nature of the *living* Christ is indeed composed of a body and a soul (cf. *ibid.*, d. 2, q. 1, a. 3, §64, p. 66). It would certainly be astonishing if Thomas had not taken note of the converse situation, that is to say, the fact that when His soul is *really* no longer united to the body (at death), Christ is no longer a man, and His flesh is no longer a body. Furthermore, this is what he says here concerning man in general, and what he will repeat concerning Christ in particular (*ibid.*, d. 22, q. 1, a. 1, resp., §15, p. 663). Now, the examples of the eye and the painted man, given in the text just cited, indicate sufficiently that he already had there in mind Aristotle’s texts on the soul being the substantial form of the body so that a dead eye is no longer an eye, a dead finger is no longer a finger, etc.

exists at a time, and if there must always be a substantial form, then, when the soul is separated from the body, it must certainly be replaced by another form, and thus there will be a new being, and not the same body. There is no need to take recourse to the hypothesis that the idea came from Giles of Rome.⁹² It appears in Thomas' commentary on *De anima* (which dates to 1267–68, right before his return to Paris). Indeed, after the demonstration that there can only be a single substantial form, because it is what gives being in actuality to the subject, and in connection with the thesis concerning equivocacy, Thomas concludes: “Et inde est quod recedente anima, non remanet idem corpus specie; nam oculus et caro in mortuo non dicuntur nisi equiuoce . . . *recedente enim anima, succedit alia forma substantialis* que dat aliud esse specificum, cum corruptio unius non sit sine generatione alterius.”⁹³

If the same *being* (*esse*) remains, death would only be an alteration, like the change from musical man to non-musical man. But this is what Thomas wants to avoid in Christ's case: His death must be a

⁹² Cf. Boureau, *Théologie, Science et Censure*, p. 84.

⁹³ Thomas Aquinas, *Sentencia libri de anima*, II 1, ed. cit., p. 71a–b.282–8. Starting with the commentary on the *Sentences*, actually, Thomas affirms the immediate replacement of one substantial form by another: “quando amittit <materialia> unam formam, acquirit aliam, secundum quod corruptio unius est generatio alterius” (*II Sent.*, d. 12, q. 1, a. 4, sol., ed. Mandonnet cit., p. 313); “. . . una forma expellitur et altera introducitur, propter hoc quod generatio unius est corruptio alterius” (*IV Sent.*, d. 17, q. 1, a. 3, 4 resp., §107, ed. Moos cit., p. 842). Cf. *De principiis naturalium* (ca. 1252–56), §2, ed. Leonine, 43 (Rome 1976), p. 41.112–14: “materialia tamen nunquam denudatur a forma et privatione: quandoque enim est sub una forma, quandoque sub alia.” This doctrine will remain constant: cf. *In librum beati Dionysii De divinis nominibus* (between 1261 and 1268), c. 9, lect. 2, §821, ed. C. Pera (Torino 1950), p. 307a: “propter hoc <res> corrumpitur et generatur secundum quod una forma separatur a materia et advenit altera”; *Summa theologiae* IIIa pars (1272–73), q. 75, a. 3, ad 2, ed. Leonine, 12 (Rome 1906), p. 165b: “forma quae est terminus a quo, non convertitur in aliam formam, sed una forma succedit alteri in subiecto: et ideo prima forma non remanet nisi in potentia materiae”; *Commentaria in libros Aristotelis de generatione et corruptione* (1272–73) I, c. III, lect. IX, ed. Leonine, 3 (Rome 1886), p. 296b: “semper in substantiis alterius generatio est alterius corruptio, et e converso: nunquam enim materia est sub privatione unius formae, sine alia forma”; *ibid.*, c. IV, lect. X, p. 299b: “. . . quando est transmutatio non solum secundum passiones, sed etiam secundum totam rei substantiam, in quantum scilicet materia rei accipit aliam formam substantialem . . .” The phenomenon of death is symmetrical to that of the generation of being; cf. *Quodl.* I, q. 4, a. 1 (Lent 1269): “Utrum anima adueniente corpori, corrumpantur omnes formae quae prius inerant, et substantiales et accidentales” (ed. Gauthier cit., vol. II, pp. 183–5). See, on the contrary, John Pecham, *Quodl.* IV, q. 2, ed. Etzkorn cit., p. 201.136–43; q. 25, pp. 229–31.

real death; therefore it is a corruption of His human nature, which supposes a change of the substantial form.⁹⁴ Only prime matter remains, but nothing of the form, which, along with all the determinations that it carried, another form totally replaces.⁹⁵ Certainly there is an apparent continuity of some accidents, as if the same accidents belonged to two successive subjects. But in fact the accident of the first substance is also corrupted, and another accident, similar but numerically different, appears in the second substance, along with the new substantial form.⁹⁶ One can thus explain how in a fresh cadaver one finds accidents (form, size, hair color, etc.) that make it similar to the living body, but this similarity is precisely the place of equivocity, just as one continues to speak of the flesh, hand, eye, etc., of the cadaver because of the exterior resemblance.

One will of course ask: what is the substantial form that takes up the cadaver during the soul's retreat (and before the forms of worms arrive . . .)? What is then this thing that remains after death? The response, which evokes Bossuet's formula, citing Tertullian: "un je ne sais quoi, qui n'a plus de nom dans aucune langue,"⁹⁷ consists

⁹⁴ Cf. Thomas Aquinas, *Quodl.* II, q. 1, a. 1, ed. Gauthier cit., vol. II, ll. 62–5; *Quaestiones disputatae de anima* (1265–66?), q. 1, ed. Leonine, 24–1 (Rome-Paris 1996), p. 9.274–86: "si anima esset in corpore sicut nauta in navi, non daret speciem corpori neque partibus eius; cuius contrarium apparet ex hoc quod, recedente anima, singule partes corporis non retinent pristinum nomen nisi equiuoce. Dicitur enim oculus mortui equiuoce oculus, sicut pictus aut lapideus, et simile est de aliis partibus. Et preterea, si anima esset in corpore sicut nauta in navi, sequeretur quod unio anime et corporis esset accidentalis. Mors igitur, que significat eorum separationem, non esset corruptio substantialis, quod patet esse falsum."

⁹⁵ Cf. Thomas Aquinas, *In duodecim libros Metaphysicorum Aristotelis expositio*, V, lect. V §817, ed. R.M. Spiazzi (Torino 1950), p. 223: "Similiter est in omnibus aliis quae ex materia sunt vel fiunt. Unumquodque enim eorum fit ex sua materia, ea salvata. Dispositiones autem formae non salvantur in generatione; una enim forma introducitur altera abiecta."

⁹⁶ "non manet idem numero: sed id quod prius erat, corrumpitur per accidens corruptione subiecti, recedente forma quae erat principium talis accidentis; et adventi simile accidens, consequens formam de novo advenientem" (*In De generatione* I, c. IV, lect. X, ed. cit., p. 300b). Immediately following this passage there is an attack on the plurality of forms: "Unde patet falsam esse opinionem quam tradit Avicbron in libro *Fontis vitae*, quod in materia est ordo formarum . . . ita formae posteriores advenirent subiecto permanenti, et secundum eas esset magis alteratio quam generatio . . . Et sic nulla forma substantialis advenit subiecto in actu existenti: nec praesupponit aliam formam communioem realiter diversam . . ." (*ibid.*, pp. 300b–301a). See on the contrary William of Falegar, *De gradibus formarum*, ed. Glorieux cit., pp. 302.33–303.10, Richard of Menneville, *De gradu formarum*, ed. Zavalonni cit., pp. 73.61–81.82.

⁹⁷ Bossuet Jacques Bénigne, *Oraison funèbre de Henriette d'Angleterre*, in *Oraisons funèbres*,

merely of a simple judgment of indeterminacy. Avicenna simply designates it by opposition to life, or more precisely, to the complexion that is the last condition of life, and in an entirely negative fashion calls it “inanimalitas.”⁹⁸ The dead Christ belongs to a “species innominata,” as Pecham will call it.⁹⁹ Does one have to describe it further? Perhaps not, but that indicates that it belongs to a *different*

ed. J. Truchet (Paris 1961), pp. 173–4: “La mort ne nous laisse pas assez de corps pour occuper quelque place, et on ne voit là que des tombeaux qui fassent quelque figure. Notre chair change bientôt de nature; notre corps prend un autre nom; même celui de cadavre, dit Tertullien, parce qu’il nous montre encore quelque forme humaine, ne lui demeure pas longtemps: il devient un je ne sais quoi, qui n’a plus de nom dans aucune langue; tant il est vrai que tout meurt en lui, jusqu’à ces termes funèbres par lesquels on exprimait nos malheureux restes.” Cf. Tertullien, *De Resurrectione mortuorum*, c. 4, 2, ed. J.G.P. Borleffs (CCSL 2) (Turnhout 1954), p. 925.9–11. See also *ibid.*, c. 40, 3, p. 973.10–14: “. . . nec caro sine anima homo, quae post exilium animae cadauer inscribitur. Ita uocabulum homo consertarum substantiarum duarum quodammodo fibula est, sub quo uocabulo non possunt esse nisi cohaerentes.”

⁹⁸ Avicenna, *Liber de Anima* I, c. 3, ed. S. Van Riet (Louvain-Leiden 1972), pp. 59–60.47–9: “Cum autem separatur anima, sequitur necessario ut accadat ei, cum separatione eius, forma inanimalitatis quae est sicut opposita formae complexionali quae est congrua animae.” Furthermore, Avicenna can be considered one of the sources for Thomas’ position on this matter: “Et haec forma et haec materia quam habebat non remansit post animam in sua specie aliquo modo, sed destruitur eius species et eius substantia quae erat subiectum animae, et anima substituit in eo aliam formam propter quam remanet materia in effectu in sua natura. Illud ergo corpus naturale non erit iam sicut erat, sed habebit aliam formam et alia accidentia, et aliquando peribunt aliquae eius partes et separabuntur a substantia postquam mutatum est totum, et non erit servata essentia materiae post separationem animae, sed quae erat subiectum animae, fit nunc subiectum alterius ab illa” (*ibid.*, p. 60.50–9).

⁹⁹ Condemnation of London (30 April 1286), art. 2, in *Registrum epistolarum fratris Ioannis Peckham*, ed. Martin *cit.*, vol. III, p. 921: “Primus articulus est quod corpus Christi mortuum nullam habuit formam substantialem eandem quam habuit vivum. Secundus est quod in morte fuit introducta nova forma substantialis et nova species vel natura, quamvis non nova assumptione vel unione Verbo copulata. Ex quo sequitur quod Filius Dei non fuerit tantum homo, sed alterius speciei innominatae.” Cf. Giles of Rome, *Lectura super librum tertium Sententiarum* (1270–72?), q. 34, ed. C. Luna, “La Reportatio della lettura di Egidio Romano sul libro III delle Sentenze (Clm. 8005) e il problema dell’autenticità dell’*Ordinatio*,” *DSTFM* 1.1 (1990) (pp. 113–225), pp. 214–15: “Queritur utrum in corpore Christi mortuo fuerit alia forma substantialis introducta”; Raymond Rigaud, *Quodl.* IV, q. 23 (1287–95?, Glorieux II, p. 244): “Utrum corpus mortuum sit in aliqua specie.” Nevertheless, in his *Quodl.* IV, q. 11, Pecham says that in death there is not total corruption and transmutation, and that the numerical identity of the corporeal substance is preserved, because the corporeal substance does not become some other thing that belongs to a definite species: “Sed in morientibus in quibus corpus vivens non mutatur in rem completam alterius speciei per se, sed in defectu speciei humanae et vitae, in talibus enim manet simpliciter eadem substantia numero” (ed. Etzkorn, *cit.*, p. 201.141–3).

species, that its nature has changed, that its matter becomes the subject of a different form, that its body *qua* body does not remain the same being that it was.¹⁰⁰

Let us now return to Thomas' response in *Quodlibet* III. The *sed contra* had immediately thwarted the contraposition of philosophy and theology, with an argument that was no less theological: it is indispensable that Christ be dead as all other men before and after Him will die and are dead, and what is said concerning any human body whatsoever must be said of His body. What physical considerations teach us concerning the body will therefore also have to be applied to the case of Christ.

Thomas' maneuver in his *responsio*, then, is to catch the *opponens* in a dilemma. Indeed, either he admits that the soul is the form of the body, or that it is not. In this latter case, the soul is without doubt considered as accidentally united to the body and as using it as an instrument. Reciprocally, as the body owes none of its constitution to the soul, it will obviously then be able to remain what it is when the soul is separated from it (ll. 44–47). In this condition, the dead body will belong to the same species as the living body. But this is at the price of returning to an anthropology that conceives the soul and the body as two substances that are foreign to one another, and which had generally been rejected in the thirteenth century.¹⁰¹ Even Thomas' adversaries accept hylomorphic theory.¹⁰² In addition, this dualist anthropology also presents theological absurdities. The union of the soul and the body, being accidental, will not constitute a new substance, and thus will not be a generation,

¹⁰⁰ Cf. however Aquinas' *In De generatione* I, c. III, lect. VIII, ed. cit., p. 292a–b: in generation transitory forms exist before the definitive form, and, conversely, in corruption, the body also passes through intermediate forms before final decomposition. These forms are "imperfect" insofar as they correspond neither to species nor to a goal of nature, and only provide an incomplete being; nevertheless they are necessary steps on the path of generation and corruption: "Similiter etiam ex parte corruptionis sunt multae formae mediae, quae sunt formae incompletae: non enim, separata anima, corpus animalis statim resolvitur in elementa; sed hoc fit per multas corruptiones medias, succedentibus sibi in materia multis formis imperfectis, sicut est forma corporis mortui, et postmodum putrefacti, et sic inde."

¹⁰¹ Cf. Thomas Aquinas, *III Sent.*, d. 2, q. 1, a. 3, sol. 2, §74, ed. Moos cit., p. 68; d. 5, q. 3, a. 2, resp., §§109–110 p. 207.

¹⁰² See for example Gerard of Abbeville, *Quodl.* XIV, q. 7 (Advent 1269), ed. P. Grand, *AHDLMA* 39 (1964) (pp. 207–69), pp. 258 and 260–1; William of Falegar, *Quaestiones disputatae*, q. 3 (1271/72), ed. A.J. Gondras, *AHDLMA* 39 (1972) (pp. 185–288), pp. 237–44.

and, likewise, their dissociation would not be a corruption. That implies that the death of Christ will not be a corruption even in the first sense given by John of Damascus,¹⁰³ that is to say, it will not be a true death, which is considered heretical (ll. 47–66).

If one admits on the contrary that the soul is the form of the body, then for the present problem it matters little whether or not one posits substantial forms other than the rational soul. This line of defense that Thomas adopts is noteworthy. He has identified the precise point on which the attack lying behind the allusion to *De anima* focuses, and he exposes it to broad daylight, but he conceals the relevance of the question posed to this rather litigious point. Otherwise it is difficult to explain lines 38–41, where he sets out the options (only one or many forms), while at the same time declaring them beside the point (but not without having explained that the first of these two options, namely, his own thesis, is closer to the truth than that held by “quidam” who want to posit another substantial form in the body, preceding the rational soul). Everything happens as if, showing that he is not fooled concerning the questioner’s intent, he blocks the shot by establishing that this philosophical problem has no bearing on the case at hand: the thesis of the equivocity between the body and the cadaver is not implied by the thesis of the unicity of substantial form alone. One could even say that Thomas throws the argument back: those who posit one or more other substantial forms beyond that of the rational soul must agree with him and Aristotle that the body changes species when the soul separates from it.¹⁰⁴ In fact, for a specific nature to be modified it is enough that only one of its essential principles be removed (ll. 41–44).¹⁰⁵ But, even if it rests on preceding substantial

¹⁰³ John of Damascus, *De fide orthodoxa*, c. 72 (= III, c. 28), ed. Buytaert cit., p. 274.1–4.

¹⁰⁴ Which John Pecham will admit, *Quodl.* IV, q. 2, ed. Etzkorn cit., p. 199.70–8. But according to him, it is only a matter of the last species, and at higher specific or generic levels (such as corporeity) essential and numerical identity can and should be preserved (*ibid.*, pp. 199.91–200.98).

¹⁰⁵ Cf. Thomas Aquinas, *III Sent.*, d. 2, q. 1, a. 3, §63, ed. Moos cit., p. 65; *Quodl.* XI, q. 6, a. unic., resp., ed. Gauthier cit., vol. I, pp. 160b–161a.34–42: “ad hoc quod aliquid sit idem numero, requiritur ydemptitas principiorum essentialium; unde, quodcunque principiorum essentialium etiam in ipso indiuiduo uariatur, necesse est etiam ydemptitatem uariari. Illud autem est essenziale cuiuslibet indiuidui quod est de ratione ipsius indiuidui, sicut cuiuslibet rei sunt essentialia materia et forma” (p. 161a.39–42), that is, the soul and body in the case of man (“... Cum ergo principia essentialia hominis sint anima et corpus,” *ibid.*, p. 161a.44–6).

forms that have not disappeared, the rational soul gives man his specific nature. Consequently, from the moment that it no longer informs the body, the body ceases to be what it was. This is therefore the play by which Thomas attempts to escape the trap that has been set for him: the plurality of forms would in no way avoid the equivocity of the living body and the dead body. Starting from the fact that Christ is no longer a man during the *triduum*, which implies the equivocity of the term “man” if it is still applied to Him, Thomas seeks to get his opponents to state with him that the term “body” is also taken equivocally (ll. 35–37, 69–73). If human nature no longer exists, likewise there is no longer a body in the proper sense.

The only solution that guarantees the identity of the body of Christ is therefore to say that this body during the *triduum* is “substantiated,” maintained as substance, by its direct union to the hypostasis that is the divine Word (ad 1, ll. 76–77).¹⁰⁶ Since a nature only exists in a *suppositum*, consequently the human nature of Christ, from the moment that it began to exist, is found in a *suppositum*; but this hypostasis is the divine person; therefore this human nature has only existed as united to the divine person.¹⁰⁷ Now, one thing cannot change from hypostasis without corruption (in other words, one thing that remains numerically the same cannot be a different hypostasis), but conversely, if the hypostasis remains, the thing remains numerically the same.¹⁰⁸ From this point of view, one can therefore say

¹⁰⁶ Thomas Aquinas, *III Sent.*, d. 2, q. 2, a. 1, ad 1, §§96–8, ed. Moos cit., pp. 74–5: from the point of view of the union in actuality, the soul is only a convenient intermediary, and is not absolutely necessary. Certainly, it is the soul that causes the unibility in the body, in the sense that it makes the body worthy of constituting the human nature (ibid., a. 1, sol. 1, §95, p. 74: “corpora inanimata unibilia non sunt”). But it is enough that the body keeps in death a capacity to receive the soul, and that it continues to be ordered to it (as is the case, in view of the Resurrection; cf. ibid., a. 3, sol. 2, §152, p. 86: the disposition towards the soul is like a *habitus*). In that way there remains in the flesh a capacity for divine union. Cf. ibid., a. 1, sol. 3, §113, p. 77: “Ad tertium dicendum quod in omnibus partibus quae sunt de veritate humanae naturae, etiam separatis, manet ordo ad totam naturam. Et ideo remanet in eis assumptabilitas, et per consequens unio, sicut in corpore Christi remansit anima separata”; ibid., a. 3, sol. 2, §152, p. 86: “corpus non potest assumi antequam animae uniatur; et tamen si anima separetur post unionem remanebit caro nihilominus assumpta et Divinitati unita.”

¹⁰⁷ Cf. Thomas Aquinas, *III Sent.*, d. 2, q. 2, a. 3, resp., §147, ed. Moos cit., p. 85.

¹⁰⁸ Thomas Aquinas, *III Sent.*, d. 2, q. 2, a. 3, sol. 1, §148, ed. Moos cit., p. 85.

that the dead body of Christ is numerically the same as the living body (ad 1, l. 80)—we will return to this in the next *Quodlibet*.

On the other hand, it is not numerically the same from the point of view of nature, because it is not the Word that is the form of the body, but the soul, unless one descends into the Arian and Monophysite heresies (ll. 84–90; the hypostatic union is not realized in one nature, but is the association of two complete natures). There is therefore an essential change of the body, which cannot be designated by the same word in the same sense. But all Thomas' effort consists in disjoining nature and *suppositum*, univocity and numerical identity. The latter depends on the persistence of the *suppositum* only, whereas univocity depends on identity of essence or nature. For example, we would say today that an artificial heart that replaces a natural one is placed in an individual who remains the same *suppositum*, but it is only homonymously a heart; on the other hand a heart that is removed and implanted in another individual remains univocally a heart, but does not possess the same individuality, because it has changed *suppositum*. As a general rule, in the case of humans, the corruption of the substantial form involves the corruption of the *suppositum*, because the substantial form provides being. But in the particular case of Christ, His dead body continues to be united to the divine person and "substantiated" by Him: it has the same *esse* numerically, but is only body homonymously, compared to the living body (resp., ll. 68–70). Although matter as such remains as the subject of change, the passage from one species to another is a corruption followed by a generation, and therefore the succession of two specifically different beings. From this point of view, one cannot therefore say that the body remains "simpliciter idem."

Quodlibet IV, q. 5

It is this latter consequence that Thomas will be asked to confirm, the following year, in *Quodlibet IV*. The concatenation of questions during these three successive years reveals a persevering desire to illustrate that actually, on the level of essence, the body that is attached to the Cross is not the same as the one buried afterwards. What else does this do, if not call into question the unicity of substantial form? But Thomas' constant line, which is to separate this philosophical doctrine from the theological problem of the status of

the cadaver of Christ, becomes even more crisp here. His response (which nonetheless left his adversaries unsatisfied) is always the same, but now it enters the foreground: the assumption of the Word suffices to assure the required continuity, in spite of differences in substance.

In fact, it is clear that in this *Quodlibet* Thomas keeps himself from discussing the concept of substantial form, but only refers to the soul, to present the orthodox doctrine by opposing it to the Gaianite heresy on one side and the Arian heresy on the other (ll. 22–40). These two errors both deny Christ a complete and distinct human nature. But they differ in their motives. For the Arians (denounced previously in *Quodl.* II, ll. 86–88), the Word was only united to a mere body and it took the place of the soul; consequently, at the death of Christ, a disassociation occurred between the Word and the body (otherwise, of what would death be separation?).¹⁰⁹ For Gaianism, which is an internal schism in Monophysitism, a single nature comes from the union of God and man, and since this nature is incorruptible, so too is the body of Christ.¹¹⁰ From there, one can no longer truly comprehend in what way Christ could be said to have known death. From this perspective, the heresies appear as contraries, and Thomas plays off their opposition to show that his own position falls in the realm of orthodoxy by protecting itself from either extreme, that is, by affirming that there is at the same time identity and difference between the living body and the dead body of Christ. On the one hand, against the Gaianites he posits that, as the Catholic faith holds that Christ really died, His human nature must be distinct from His divine nature, and must really have been corrupted, that is, there was “a true difference between life and death,” so that the dead body was really different in its nature from the living body (ll. 44–46). On the other hand, he posits against the

¹⁰⁹ See Augustine’s sermon to which Thomas refers, *Contra sermonem arianorum*, c. IX, in PL 42, coll. 689–90, and the text that is targeted, *Sermo arianorum*, 7, *ibid.*, col. 679 (“mors Christi non diminutio est divinitatis, sed depositio corporis . . . separatio carnis ejus”).

¹¹⁰ Cf. A. Vacant, E. Mangenot et al., *Dictionnaire de Théologie catholique* VI (Paris 1947), coll. 999–1023. In reality, Julian of Halicarnassus (at Alexandria ca. 523–28, as related by Gaianos) denied neither the sufferings nor the death of Christ: according to him, He endured them, but not out of natural necessity; He was not subject by law to the infirmities of the fallen nature, but rather He freely decided to endure them, by derogating from the incorruptible nature of His humanity, created in the state that Adam was in before his sin. See, on the other hand, John of Damascus, *De fide orthodoxa*, cc. 64 (= III, c. 20), and 70–2 (= III, c. 26–8), ed Buytaert cit.

Arians that, as the human nature of Christ includes His having a soul, His death does not signify the termination of the union of the Word and the body. Rather, it signifies only the separation of the soul and the body, so that the Word can continue to be united to the body and thus assure hypostatic continuity, that is, the numerical identity according to the *suppositum*. Even if there is a difference of nature between the living body and the dead body, it is fundamentally the same being, inasmuch as it is associated to the Word (ll. 41–44).

The doctrine Thomas presents in his *Quodlibet* IV therefore does not differ from the doctrine he held in the previous texts. Nevertheless, according to a rather common opinion he made something of a retraction here, under the pressure of various objections, and his reversal was confirmed in the *Summa theologiae* (IIIa pars, q. 50, a. 5): in the end, he admitted the *simpliciter* numerical identity of the dead body of Christ with the living body.¹¹¹ For my part, I see nothing of the sort in these last two texts: at the very most, there is an inversion of perspectives, in the sense that the exposition is henceforth organized around the theological thesis, and the philosophical thesis is secondary. I would like to establish this here.

The apparatus fontium of the Leonine edition (p. 328) indicates two possible influences that could have compelled Thomas to modify his thesis: Albert the Great's position taken in his response to Giles of Lessines,¹¹² and that of Giles of Rome—according to Concetta Luna.¹¹³

The second position, that of Giles of Rome in q. 33 of book III of the Munich *reportatio* of his commentary on the *Sentences*, concentrates on what causes the most problems in Thomas' thesis: "Utrum idem numero sit corpus Christi et vivum et mortuum" (this is basically the same question posed to Thomas in *Quodlibet* IV). Giles summarizes in effect Thomas' argument regarding the body as it appears in *Quodlibet* II. Moreover, the fact that he introduces the notions of univocity and equivocity shows that he is also referring to *Quodlibet* III (ll. 24–26).¹¹⁴ Giles' objection would be that Thomas' thesis (if

¹¹¹ See, for example, Zavalloni, *Richard de Mediavilla*, pp. 487–8.

¹¹² Albert the Great, *De Quindecim Problematibus*, q. XIV, ed. B. Geyer in *S. Alberti Magni . . . Opera Omnia*, vol. XVII/I (Münster in W. 1975), p. 43.

¹¹³ Luna, "La *Reportatio*," pp. 123–9, Giles' text pp. 210–3.

¹¹⁴ C. Luna establishes from this that Giles' *lectura* on book III therefore took

that indeed is what is at stake) is valid for man in general, but not for Christ. The premise (explicitly formulated by Thomas in *Summa theologiae*, IIIa pars, q. 50, a. 5, ad 2) is that numerical identity and diversity depend on the being of the *suppositum*. With man, the being of the *suppositum* is caused by the union of the soul and the body, inasmuch as the soul is what gives being to the body. Numerical identity rests then on the identity of the form. But this is not true for Christ, because in His case the human form does not give being to the *suppositum*, which is divine: on the contrary, the divine *suppositum* gives being to His human form.¹¹⁵ In Christ, the being of human nature is only an *esse secundum quid*, whereas the divine being of the *suppositum* is *esse simpliciter*. This implies that, in Christ, the change of form (separation of the soul) only brings about a variation *secundum quid*, and does not produce a change in being and therefore does not affect the numerical identity of His body. According to Giles, Thomas (in the case, once again, that he indeed is being targeted) would therefore have had to affirm exactly the contrary of what he maintained. He would have had to affirm that the dead body of Christ is numerically the same as the living body in an absolute sense (*simpliciter*), but that it is not the same *secundum quid*.

The problem is that Thomas never said that the permanence of the *suppositum* only gave a *secundum quid* identity; quite the opposite, he always called it precisely numerical identity *simpliciter*, as we will shortly see again. The same remark goes for the wording of article XIV directed at Albert by Giles of Lessines ("Quod corpus Christi iacens in sepulchro et positum in cruce non est vel non fuit idem numero simpliciter, sed secundum quid"¹¹⁶): he does take into account

place at the earliest in 1270–71, and that the *lectura* on books I and II could have taken place in 1269–70. On the other hand, again according to her, not only does Giles not take into account Thomas' last discussion on the subject, that of *Quodlibet* IV, held in Lent 1271, but Thomas would even have corrected his position in this *Quodlibet* as a result of Giles' criticism. That would signify that book III was read precisely between Lent 1270 and Lent 1271. But this *terminus ante quem* is perhaps not so certain, if, as I will try to show, Thomas did not really modify his position.

¹¹⁵ Obviously, this requires the admission that in Christ there is only one *esse*, which in general the Franciscan school denies, and in particular John Pecham (cf. *Quodl.* IV, q. 2, ed. Etzkorn cit., p. 198.52–6).

¹¹⁶ Albert the Great, *De Quindecim Problematibus*, ed. Geyer cit., p. 31.33–5. Albert slightly transforms it into: "quod corpus Christi iacens in sepulchro et suspensum in cruce non sit . . ." (p. 43.60–2), but in any case the evocation of the Cross makes it close to the question addressed to Thomas in *Quodl.* IV: "Utrum sit unum numero corpus Christi affixum cruci et iacens in sepulchro," while being more precise concerning the problem of *simpliciter*.

the entirety of the thesis defended by Thomas before *Quodlibet* IV;¹¹⁷ and furthermore, Albert's response, relying on the "latent" divine presence in the body, is substantially very close to that of Thomas in *Quodlibet* II and III.¹¹⁸

Let us return to Thomas' texts, which show 1) that he was not understood well, or that he was not the one being targeted,¹¹⁹ and 2) that he did not modify his thesis, but perhaps (barely) his presentation. As we have seen, in *Quodlibet* III, Thomas maintains that the dead body *in general* is not "simpliciter idem" as the living body,

¹¹⁷ The affirmation that Thomas is targeted here goes back to the first editor of the *De XV problematibus*, P. Mandonnet, *Siger de Brabant et l'averroïsme latin au XIII^e siècle*, vol. 2, 2nd ed. (Louvain 1908), pp. 29–52, whom B. Geyer follows in his introduction to his edition of *De Quindecim Problematibus*, pp. xix.85–xx.23). On the other hand, I subscribe to the conclusion of F. Van Steenberghen, "Le 'De Quindecim Problematibus' d'Albert le Grand," in *Mélanges Auguste Pelzer* (Louvain 1947), pp. 435–6.

¹¹⁸ However, Albert considers (which Thomas does not state) that by the fact of this divine presence conjoined to the soul and body, the connection between the two was never truly broken ("Corpus igitur etiam in sepulchro potestate divinitatis tenuit animam . . . Huius autem signum est quod corpus Christi corruptionem experiri non potuit," *De Quindecim Problematibus*, ed. Geyer cit., ll. 73–4 and 76–8). The punctuation of the Geyer edition, ll. 75–6 ("Non ergo fuit aliud et aliud, sed idem numero secundum esse corporis non simpliciter, sed modo quodam fuit aliud et aliud") could make one think that Albert indeed affirms the numerical identity of the body of Christ, but not *simpliciter*, and admits a certain alterity (so Boureau understands the passage, *Théologie, Science et Censure*, p. 118). But since he says explicitly that the thesis being examined is "contra rationem corporis domini" (l. 67), without doubt he wants on the contrary to affirm an identity *simpliciter*, and one must thus understand that, conversely, the *non simpliciter* bears not on *idem numero*, but on *esse aliud et aliud*: "it has been made different, not absolutely but in a certain respect" ("idem numero secundum esse corporis, non simpliciter, sed modo quodam, fuit aliud et aliud"; cf. Van Steenberghen, "Le 'De Quindecim Problematibus' d'Albert le Grand," p. 430).

¹¹⁹ Perhaps—who knows?—the bachelor of the *Sentences* Giles of Rome was not directly criticizing Thomas, but rather, for example, Thomas' bachelors, who would have applied his principles more or less adroitly, after which Thomas would have been brought in to make an adjustment (let us not forget that the bachelor *respondens* played an important role in the *disputatio* session before the *determinatio* of the master and *a fortiori* before the redaction). But above all, let us note that, in his response, Albert specifically attacks the philosophers and philosophy for having dared touch upon this subject, the body of Christ during the *triduum*: "Sed de corpore Christi loqui per philosophiam temerarium est, eo quod rationi humanae non subicitur . . . De hoc tamen non multum loqui expedit philosopho" (*De Quindecim Problematibus*, ed. Geyer cit., p. 43.64–6 and 80–1). One cannot say that Thomas had treated the problem exclusively as a philosopher, for he immediately brought in the hypostatic union. Could one not imagine that an arts master had unduly taken a position on this subject? Giles of Lessines' dispatch indeed specifies that these articles are "proposed in the schools by the Parisian masters who are reported to be the greatest in philosophy" (ed. Geyer, p. 315–7); cf. Van Steenberghen, "Le 'De Quindecim Problematibus' d'Albert le Grand," pp. 435–6.

but he clarifies in *ad 1* that the particular case of Christ calls for a different solution, because it is possible to say that his body is “substantiated” during the *triduum*, maintained in substance, by the union to the divine Word’s hypostasis. Thomas takes recourse to the Aristotelian distinction of the two senses of the word substance, *ousia*: In one sense *ousia* is the substrate (*hypostasis*, *hypokeimenon*) (ll. 75–76), in another it is the quiddity, the essence or the nature (ll. 82–83), that is, the form.¹²⁰

In the second sense of the word substance, it is the form that “substantiates,” that is to say, that gives essence or nature. Now, in the human nature of Christ, the form is not the Word, but the soul; thus, it is the latter that “substantiates”¹²¹ the body, that is, gives it essence. Once this form is separated, one can no longer say that what continues to exist is the same substance.

In the first sense of the word substance, the being of the body of Christ is founded on the substrate that is the divine person; the latter being incapable of defect, the dead body remains “substantiated” by it, that is to say, it keeps its beingness in the same *esse*, and thus it is here, in *Quodlibet* III, that Thomas says that the body of Christ remains “*simpliciter idem numero secundum ypostasim siue suppositum*” (l. 80).¹²² The same thesis is reaffirmed later on: “*simpliciter idem secundum substantiam que est ypostasis*” (ll. 91–92).

This response, with the same distinction, had in fact already been given in *Quodlibet* II.¹²³ One finds there first the distinction concerning points of view, then the affirmation of the permanence of the hypostasis and of the numerical identity of Christ *simpliciter*: “Et ideo

¹²⁰ Thus it is clear that Giles, *Lectura III*, q. 33, ed. Luna cit., p. 211.28–41, does not take into account Thomas’ position in *Quodl.* III, since in the demonstration that he relates, he confuses the two levels of analysis, that is, the level of substance as quiddity (human nature) and that of substance as *suppositum*. In addition, the permanence of matter and the permanence of the *suppositum* both serve to demonstrate a *secundum quid* identity.

¹²¹ Cf. Thomas Aquinas, *Quodl.* II, q. 1, a. 1: “Dicendum quod in Christo fuerunt tres substance unite, scilicet corpus, anima et diuinitas” (ed. Gauthier cit., ll. 29–31).

¹²² My emphasis. The correction made by C. Luna, “La *Reportatio*” (removing ‘[non]’ from Giles of Rome’s text, p. 211.39) is therefore quite appropriate.

¹²³ I would not say, with Van Steenberghen, “Le ‘De Quindecim Problematibus’ d’Albert le Grand,” p. 434, that Thomas there “conclut en disant qu’il n’y a identité absolue ni diversité absolue.” This is only true on the level of human nature, but not on the level of hypostasis, where there is absolute identity. Lines 59–68 cited by Van Steenberghen constitute the end of the response, but not the whole *determinatio*, which includes ll. 49–51.

de Christo in triduo mortis dupliciter loqui possumus. Uno modo quantum ad ypostasim uel personam, et sic est *idem numero simpliciter* qui fuit . . ." (ll. 48–51).¹²⁴ It is true that the discussion here is of the whole Christ, and that later Thomas says on the other hand that His body cannot be "simpliciter idem numero" (ll. 61–62), and that it is "secundum materiam idem, secundum formam vero non idem" (ll. 70–71). But this is affirmed from the point of view of human nature and its organizing form. To the degree, however, that the divine hypostasis stays united to the body, the body benefits from a continuity in beingness, of the sort that one can say for example that "the Son of Man is buried." This expression supposes that the body of Christ in the tomb is numerically identified with the body that He had while living, because the idea of burial implies that the same thing is transferred from the surface of the earth into the tomb.¹²⁵

Symmetrically, *Quodlibet* IV admittedly does conclude principally with the numerical identity of the body of Christ: in this case (and only in this case) "the unity [between the dead body and the living body] is greater than the difference" ("prima unitas est maior quam secunda differentia," ll. 46–47). But when he expounds on the theological argument, Thomas does not affirm this identity without relating it to the permanence of the *suppositum*, just as was done in the preceding questions: "oportet nos ponere ydentitatem secundum *suppositum* in corpore Christi appenso cruci et posito in sepulcro" (ll. 42–44). With respect to the *Summa theologiae*, IIIa pars, q. 50, a. 5, it is true that Thomas reworks the form of his response, since it

¹²⁴ Cf. Thomas Aquinas, *Quodl.* II, q. 1, a. 1, ed. Gauthier cit., ll. 55–6: "... non fuit homo in triduo mortis; unde nec idem homo nec alius homo, set eadem ypostasis."

¹²⁵ Thomas Aquinas, *Quodl.* II, q. 1, a. 1, ad 1, ed. Gauthier cit., ll. 72–5; cf. resp., ll. 40–7: "set diuinitas non fuit separata nec ab anima nec a corpore, quod patet ex Symbolo fidei, in quo de Filio Dei dicitur quod sepultus est et descendit ad inferos; corpore autem iacente in sepulcro et anima ad inferos descendente, non attribuerentur ista Filio Dei nisi hec duo essent ei copulata in unitate ypostasis uel persone." It is interesting to note that, on the other hand, in his *Quodl.* IV, q. 4 (1289, Glorieux I, p. 144): "Utrum Christus in triduo mortis potuerit dici filius Virginis" (ed. De Coninck cit., pp. 206–8), Giles of Rome only responds affirmatively to this question "secundum communem et vulgarem modum loquendi" or also "per synecdochen," and that he concludes that: "non erat Christus, simpliciter et proprie loquendo, in illo triduo hominis Filius" because he was no longer man. As opposed to Thomas ("homo est nomen nature, set filius est nomen ypostasis," ll. 72–3), Giles here does not make the *suppositum* play any role.

henceforth relies on the distinction of the different senses of *simpliciter*, but it basically stays the same. The term *simpliciter* can be equivalent to “absolutely”: in this sense, the body of Christ remains absolutely the same, numerically, because its *suppositum* (the Word) remains one and identical, and because numerical identity derives from the *suppositum* (resp., *ad 1 et 2*). But *simpliciter* can also mean “entirely, totally” (“omnino vel totaliter”): in this sense, one cannot say that the body of Christ is entirely the same, because that would be to deny the fact that Christ is dead. The reason for it not being totally the same is that it has lost an essential attribute: life, and in *ad 2* Thomas indeed states that specific identity, proper to human nature, is not preserved (contrary to numerical identity).

Therefore I do not discern any doctrinal evolution from *Quodlibet* II to *Quodlibet* IV (or to the *Summa theologiae*). There is merely an inversion in the order of presentation: instead of insisting on the discontinuity, from the point of view of nature, between the dead body and the living body, and on then rectifying this thesis for the particular case of Christ by bringing in the theological notion of the permanence of the *suppositum*, he places the theological point of view immediately in the foreground (starting with *Quodlibet* IV). In the *Summa theologiae*, all the “philosophical” arguments—the reality of death, the specific difference which brings about a numerical difference, and substantial corruption—are advanced in the preliminary objections, as was the second philosophical argument in *Quodlibet* IV, but this does not mean that Thomas considered them false objections: in the responses, he grants them on the level of human nature, just as in *Quodlibet* III the argument concerning the “substantiation” by the hypostasis constituted, conversely, the first (and only) objection, but was conceded in *ad 1*. The order henceforth adopted places the accent on the theological doctrine, just as the preceding order privileged physical or philosophical considerations. But within these two orders of presentation the content is exactly the same. It is possible that the modification of the presentation takes into account criticisms that were received, and thus constitutes a new strategy, a new line of defense. But one can also see there a sign of Thomas’ increasing interest in the Christology of the Church Fathers Athanasius and Cyril of Alexandria.¹²⁶ In every case, be it in *Quodlibet* IV or the

¹²⁶ See J.P. Wawrykow, “Thomas Aquinas and Christology after 1277,” in *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten*

Summa theologiae, the solution is the same as in the preceding *Quodlibeta* (by union to the Word), but Thomas seems deliberately to restrict himself to a purely theological debate, as if to reaffirm (as he had in *Quodlibet* III) that, whatever may be the case in the question of the substantial form, it is possible for him to account for dogma (it remains to be seen, obviously, if one can actually be content with an identity only by the *suppositum*).¹²⁷ With respect to his preceding theses one cannot speak of a retraction,¹²⁸ but of a rather sharp

Viertel des 13. Jahrhunderts. Studien und Texte, J.A. Aertsen, K. Emery, Jr., and A. Speer, eds. (Berlin-New York 2001), pp. 304–5.

¹²⁷ Cf. John Pecham, *Quodl.* IV, q. 11, ed. Etzkorn cit., p. 198.46 sq.: for him, this solution leads to suppressing the proper identity of the natural substance that form and matter constitute, and which has a proper *esse*.

¹²⁸ It is true that William de la Mare already made an allusion to a “one says” with respect to a supposed retraction by Thomas, but he noted that this retraction did not leave any written traces: “Hanc positionem videtur retractasse, ut dicitur; sed quia retractatio non invenitur scripta . . .” (*Correctorium fratris Thomae*, a. 107, ed. Glorieux cit., p. 407). The texts we have are not the minutes of quodlibetal sessions, but rather they are Thomas’ reworkings of the text: in the oral version, he might have perhaps conceded more than he really wanted, and he reconsidered these concessions in the redaction. But if this is the case, in which debate did it occur? Boureau, *Théologie, Science et Censure*, pp. 27, 70–1, notes, following A.D. Callus, that the frequently cited testimony of Roger Marston, concerning an *inceptio* at which Thomas and Pecham participated, is related to a different question. But the testimony of John Pecham himself remains, relating in three letters from 1284–85 a session (of an indeterminate nature) at which he participated actively, and where Thomas, being placed in a difficult situation with respect to his doctrine of substantial form (by members of his own order: “etiam a fratribus propriis argueretur argute”), humbly submitted his opinion to the judgment of the other masters of Theology (*Registrum epistolarum fratris Ioannis Peckham*, ed. Martin cit., vol. III, p. 896, cf. pp. 864, 870 = *CUP* I, no. 523, p. 634; cf. no. 517, p. 625, and no. 518, pp. 626–7). Bartholomew of Capua’s deposition in Thomas’ canonization procedure (*Fontes vitae S. Thomae Aquinatis notis historicis et criticis illustrati*, ed. M.H. Laurent, in *Liber de inquisitione super vita et conversatione et miraculis fratris Thomae de Aquino* [*Revue Thomiste*, Saint Maximin, 1931], fasc. 4, p. 374) might confirm this, by reporting the testimony of several Dominicans according to whom Pecham had opposed Thomas during a *disputatio*. One objects nevertheless that according to this deposition, Pecham addressed words full of bombast and arrogance to Thomas, while in his letter dated 1 June 1285, he says he defended Thomas as much as the respect of the truth permitted (“nos soli eidem adstitimus, ipsum, prout salva veritate potuimus, defensando”). I do not see a real problem there. Either Bartholomew speaks of a different session (such as that—Pecham’s *inceptio*—related by William of Tocco, *Vita S. Thomae*, 26, in *Fontes vitae S. Thomae Aquinatis*, ed. Laurent cit., fasc. 2, pp. 99–100), which would not be surprising since the two protagonists could have encountered each other more than once, or the perceptions of the same session were very different, which would not be surprising either. Or again, one could note that in his *Quodl.* IV, q. 11, while using aggressive language against Thomas’ thesis (“ista narratio est frivola et inanis,” “stultum est dicere,” pp. 198.46 and 199.69), Pecham too concludes that the dead eye is only called an “eye” by equivocity (pp.

recentering of the debate concerning the death of Christ, as if Thomas had had enough of people digging up this case to oppose it to his doctrine of the soul.

Conclusion

I will therefore conclude that these three quodlibetal questions of Thomas Aquinas demonstrate doctrinal unity, but above all thematic coherence with the great controversy concerning substantial form. They address the same problem: what is the status of a dead body? Is it numerically the same as a living body, fundamentally the same being (the same subject, without, of course, all the properties being identical)? What is its form, if the soul was the substantial form of this dead body? What type of continuity connects it to what it was before death? Knowing that in Lent 1269, after his return to Paris, Thomas had to respond to the question: “are the preceding forms corrupted by the arrival of the soul?”¹²⁹ and that in Lent 1270 Gerard of Abbeville attacked the theory of the unicity of substantial form,¹³⁰ it seems to me that these questions constitute a part of the same debate on forms that develops in these years, and that will become increasingly venomous, up to the *correctoria* and the London censure of Pecham. The fact that they concentrate on the particular case of

199–200.71–95, p. 200.116–27, p. 202.161–5): would this be the point on which, “salva veritate,” he agreed with Thomas? (The difference between Pecham’s position and that of Thomas lies in that, for Pecham, the conjunction of the first substantial form with matter causes a substantial unity, corporeity, which persists through the changes of specific forms, in a manner such that, on a physical level, the same body numerically is conserved *simpliciter*—pp. 198–9.59–68.)

¹²⁹ Thomas Aquinas, *Quodl.* I, q. 4, a. 1; cf. *Quodl.* XII, q. 6, a. 1 (Lent 1272): “Utrum anima perficiat corpus immediate uel mediante corporeitate” (p. 406b).

¹³⁰ Gerard of Abbeville, *Quodl.* XV (Lent 1270, Glorieux I, p. 123, II, p. 92), q. 4: “Utrum anima sit forma carnis vel ossis immediata, vel uniatum per medium vel sine medio” (Gerard does introduce intermediate forms, in spite of the claim of A. Patin, *L’Anthropologie de Gérard d’Abbeville* [Louvain 1993], p. x: cf. ed. in *ibid.*, pp. 15.47–16.72); q. 6: “Utrum anima Christi in illo triduo separata a corpore, retardatur propter appetitum administrandi corpus”; q. 8: “Utrum angelus possit formare de materia sensibili, ut de aera, corpus humanum in ultima necessitate dispositum ad animam rationalem.” On the other hand, q. 7 of *Quodl.* XIV (ed. Grand cit.), from Christmas 1269, contains nothing that “place Gérard en adversaire résolu de la forme unique,” contrary to what Boureau, *Théologie, Science et Censure*, p. 160, writes: Thomas also says that the soul is at once form and motor of the body (*III Sent.*, d. 1, q. 2, a. 1, resp., §83, ed. Moos cit., p. 30).

Christ serves a questioning strategy that aims to push Thomas outside the limits of orthodoxy: it is a handy test of his metaphysical and anthropological theory of substantial forms, intended to show that such a theory does not account for all possible situations, and must therefore be rejected.

Quodlibetal sessions, where it was permissible to ask directly, were used by his adversaries, who constantly returned to attack the same point. In their questions, these adversaries implicitly relied on mobilizing a whole *dossier* of texts—biblical, patristic, philosophical—as well as on the preceding positions of Thomas, which were carefully analyzed and turned against him. Thus a passage such as that of article 4 of the *Quaestio disputata de spiritualibus creaturis* (1267–68) clearly links the affirmation of the unicity of substantial form in man to the theme of the equivocity of the living and the dead: “anima non praesupponit alias formas substantiales in materia, quae dent esse substantiale corpori aut partibus eius; sed et totum corpus et omnes eius partes habent esse substantiale et specificum per animam, qua recedente, sicut non manet homo aut animal aut vivum, ita non manet aut oculus aut caro aut os nisi aequivoce, sicut depicta aut lapidea.”¹³¹ To tie the problem of the form with that of the *triduum* it sufficed to compare this text, where Thomas speaks of the death of Christ, with his response, in his commentary on the *Sentences*, to the question “Utrum Christus in illo triduo fuerit homo,” where the opinion of the Lombard is set aside for two reasons. The first reason relies classically on the fact that the dead Christ is not a true man (because His soul’s union with His body no longer exists), but the second reason bears more precisely on the status of the dead body, and recalls well-known Aristotelian texts: “recedente anima, illa caro non dicebatur nisi aequivoce caro; unde nec illud corpus erat humanum corpus, nisi aequivoce.”¹³² What does this thesis imply? Not only that the body of Christ is no longer a human body, but that it is no longer a body even in the sense of “organized matter, having life in potency.”¹³³ Thomas’ adversaries therefore did not have

¹³¹ Thomas Aquinas, *Quaestio disputata de spiritualibus creaturis*, a. 4, resp., ed. Leonine, 24–2 (Rome-Paris 2000), p. 52a–b.179–86.

¹³² Thomas Aquinas, *III Sent.*, d. 22, q. 1, a. 1, resp., §15, ed Moos cit., p. 663.

¹³³ See Thomas Aquinas, *III Sent.*, d. 21, q. 1, a. 2, obj. 4 and 5, §33, ed. Moos cit., pp. 637–8, and ad 4 and ad 5, §40 pp. 638–9: from the moment the soul is separated, the proper proportion of the elements is lacking in the body, one contrary dominating and corrupting the other, whence a dissolution arises (cf. *Summa*

to look very far to present the case of Christ as a fundamental objection to his doctrine of substantial form. Thomas himself supplied them with the materials to build their trap. The manner in which they brought it about shows all the relevance that quodlibetal questions have, in spite of their sometimes deceptive appearance, for the vitality and the acuity of intellectual debates in the Middle Ages.¹³⁴

contra Gentiles II, c. 58, ed. cit., p. 410.44: “discedente anima corpus dissolvitur”), from which the body of Christ has only been preserved by the divine power of the Word that remains united to Him. Concerning the modalities of the hypostatic union, see *III Sent.*, d. 2, q. 2, a. 2, resp., §124, ed. Moos cit., p. 80): “inter formam et materiam nihil cadit medium in esse, quod per prius sit in materia quam forma substantialis—alias esse accidentale esset prius substantiali.”

¹³⁴ This chapter was translated from French by William O. Duba and the editor.

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